

THURSDAY, MAY 16, 1985

FORTY-NINTH LEGISLATIVE DAY

The House met at 10:00 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Brother Maurice Coleman, Pastor, First Baptist Church, Waverly, Tennessee.

Representative Collier led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 99

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--99.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

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178--Relative to naming the "Rachel Jackson State Office Building";

344--Relative to policy, use of safety belts; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

315--Relative to honoring Kenton Junior High School girls' basketball team;

316--Relative to memory, Dr. Walter E. "Gene" Helms, Sr.;

317--Relative to memory, former State Representative Parnell T. Taylor;

318--Relative to honoring Roberta McCarver;

321--Relative to welcoming Jim Yost to Nashville;

326--Relative to commending Robert Knight;

327--Relative to commending employees, Division of Forestry;

328--Relative to commending employees, Division of Forestry;

332--Relative to honoring Reverend Franklin D. DeBerry;

333--Relative to endorsing 1985 National Conference of American Youth Movement;

335--Relative to honoring 1984 Unicoi County High School football team;

340--Relative to memory, Alex Eugene Ralston; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

13--To regulate state and local taxes, certain events; passed by

the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

304--To regulate housing of certain criminals.

The Senate refused to recede from its action in adopting Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

178--To regulate school attendance.

The Senate concurred in House Amendments Nos. 1, 2, 3, 4, 5 and 6, and nonconcurred in House Amendment No. 7.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CALENDAR

House Bill No. 886--To regulate taxes on amusements and athletic events.

Mr. Bragg moved that House Bill No. 886 be passed on third and final consideration.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 886 by deleting subsection (c) of the amendatory section in Section 7 and by substituting instead the following:

(c) The following shall be exempt from the tax levied by the provisions of subsection (a):

(1) Events or activities held or sponsored by public or private schools, grades K-12;

(2) Gross proceeds or receipts derived from admissions to county or agricultural fairs and any fees or charges which entitle the entrant to engage in any otherwise taxable amusement activity held at such fairs, including rides, shows, games, contests or grandstand events;

(3) The membership dues or fees of a recreation club or community service organization if such dues or fees are one hundred fifty dollars (\$150) or less per year per member;

(4) Gross proceeds or receipts derived from admissions to events, activities or facilities, and any fees, charges or rental fees which entitle or enable the entrant to engage in any otherwise taxable amusement activity held therein which are conducted, produced or provided by:

(A) not for profit museums or historical sites,

(B) organizations which have received and currently hold a determination of exemption from the United States Internal Revenue Service pursuant to 26 U.S.C. 501(c),

(C) organizations listed in Major Group No. 86 of the Standard Industrial Classification Manual of 1972, as amended, prepared by the Office of Management and Budget of the Federal Government,

(D) municipalities, or

(E) counties;

(5) Membership application fees, dues or contributions to any entity whose amusement activities are exempt from taxation pursuant to item (4) of this subsection;

(6) Fees in any form resulting from the production of television, film, radio or theatrical presentations. This exemption shall not include any dues, fees or other charges made on or for the admission of the public to such presentations;

(7) Events or activities conducted upon rivers and waterways in this state whose continued use for recreational purposes is contingent upon revenue produced pursuant to agreements entered into between the state of Tennessee and the federal government, or an agency thereof, which agreements provide for the establishment of a trust fund for such purposes; provided that this exemption shall prevail

only if the annual distribution of funds to the state from such trust fund exceeds that amount of revenue to the state which would otherwise be produced if the tax under the provisions of subsection (a) were imposed on such events or activities, as determined by the fiscal revenue committee;

(8) Receipts from coin-operated amusement devices subject to tax under Section 67-4-504;

(9) Receipts from activities authorized and regulated in accordance with Section 39-6-609;

(10) Athletic events for participants under eighteen (18) years of age or younger sponsored by civic or not for profit organizations; and

(11) All sales contractually committed and/or for which money has been paid prior to June 1, 1984.

Exemptions provided in subsection (c) shall not apply to interscholastic sports held or sponsored by private or public colleges or universities.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 886 by inserting the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ . Tennessee Code Annotated, Title 67, Chapter 6, Part 2 is amended by adding the following new section:

SECTION ____ . There is levied a tax at the rate of five and one-half percent (5 1/2%) of the gross proceeds of each sale at retail of subscription to, access to or use of cable television services in excess of those charges made for the basic or lowest rate charged by the supplier of such service.

AND FURTHER AMEND by adding the following new item after item (8) in subsection (c) of the amendatory section in Section 7 and by renumbering subsequent items accordingly:

() Receipts from cable television services subject to tax under Tennessee Code Annotated, Title 67, Chapter 6, Part 2;

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 886 by inserting the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 886 by inserting the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Title 67, Chapter 6, Part 7, is amended by adding the following new section:

Section _____. (a) For the purposes of this section, unless the context otherwise requires:

(1) "Sale" shall include the sale, gifts in connection with valuable contributions, exchange or other disposition of admission, dues or fees or other disposition of admission, dues or fees to membership sports and recreation clubs, places of amusement or recreational or athletic events or for the privilege of having access to or the use of amusement, recreational, athletic or entertainment facilities. Such establishments or facilities shall include, but not be limited to, the amusement and recreational facilities and motion picture theaters described in the standard industrial classification index prepared by the bureau of the budget of the federal government.

(2) "Retail sale", "Sale at retail", and "retail sales price" shall include charges for admission, dues or fees which constitute a sale under this section.

(3) "Dealer" includes every person as defined in item (4) of Tennessee Code Annotated, Section 67-6-102 and every person who charges admission, dues or fees as defined in this section.

(b) It is declared to be the legislative intent that every person is exercising a taxable privilege who charges admission, dues or fees taxable under Section 7 of this act.

(c) (1) Any county having a population of less than thirty thousand (30,000) according to the 1980 federal census or any subsequent federal census and any county having a metropolitan form of government by resolution of its county legislative body is authorized to levy a tax at the rate of two percent (2%) on the retail sale of the same privileges subject to the tax pursuant to Section 7 of this act, as the same may be amended, which are exercised within such county.

(2) The provisions of Tennessee Code Annotated, Sections 67-6-702 -- 707 and 67-6-712 shall not apply to taxes levied pursuant to this section.

(d) The tax authorized to be levied on amusements pursuant to this section is declared to be taxable by the county alone and no city or town shall impose any tax on any amusement taxable pursuant to this section.

(e) The tax authorized by this section is and shall be in addition to all other taxes which the state, cities and counties are now authorized to levy, whether levied in the form of excise, license or privilege taxes, and shall be in addition to all other fees and taxes authorized to be levied.

(f) All revenue collected pursuant to taxes levied pursuant to this section, less expenses of collection and administration, shall be deposited in the general fund of the county levying such tax.

(g) Notwithstanding any provision of this section to the contrary, any private act adopted prior to the effective date of this act which imposes a tax on activities taxable pursuant to this section shall continue to be valid and in full force and effect.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 886 by deleting the words and figures "three percent (3%)" in subsection (a) of the amendatory section in Section 7 and by substituting instead the words and figures "four percent (4%)".

On motion, the amendment was adopted.

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Mr. Bragg moved to amend as follows:

AMENDMENT NO. 6

Amend House Bill No. 886 by deleting the following language from subsection (c) of the amendatory section in Section 7:

Exemptions provided in subsection (c) shall not apply to interscholastic sports held or sponsored by private or public colleges or universities.

AND FURTHER AMEND by inserting the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ . Tennessee Code Annotated, Title 67, Chapter 6, Part 2, is amended by adding the following new section:

Section ____ . (a) There is levied a tax at the rate of five and one-half percent (5 1/2%) of the gross proceeds of each sale at retail of the gross receipts or gross proceeds of the admission charges, dues or fees to interscholastic sports held or sponsored by private or public colleges or universities.

(b) Free or complimentary charges, dues or fees to events taxable pursuant to subsection (a) shall have the value equivalent to the charge that would have otherwise been made shall be taxed under the provisions of subsection (a) unless such free or complimentary dues, charges or fees are provided to persons who attend a public school or public college or university.

AND FURTHER AMEND by adding the following new item after item (8) in subsection (c) of the amendatory section in Section 7 and by renumbering subsequent items accordingly:

() Receipts from interscholastic sports events subject to tax under Tennessee Code Annotated, Title 67, Chapter 6, Part 2;

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 7

Amend House Bill No. 886 by adding the word "and" at the end of item (3) in subsection (a) of the amendatory section in Section 7; by deleting the word and punctuation "; and" at the end of item (4) of such subsection and by substituting instead a period ".".

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 8

Amend House Bill No. 886 by adding the following new item after item (8) of subsection (c) of the amendatory section in Section 7 and by renumbering subsequent item accordingly:

() Membership assessments for capital improvements made by a recreation club, community service organization or county club against its members;

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 9

Amend House Bill No. 886 by deleting the last section in its entirety and by substituting instead the following:

Section ____ . This act shall take effect on January 1, 1986.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 10

Amend House Bill No. 886 by adding language at the end of the language of subsection (d) of the amendatory language of Section 7 thereof, as follows:

Notwithstanding any provision of Section 67-4-305 to the contrary, the credit set out at Section 67-4-305 shall not be applicable to persons subject to tax pursuant to this section.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 11

Amend House Bill No. 886 by designating the existing language in Section 67-6-309 as (a) and adding the following new provision:

(b) Persons qualifying for the exemption as provided in (a) shall also be exempted from any portion of the gross receipt tax as provided in Section 67-4-708.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 12

Amend House Bill No. 886 by adding the following new item immediately following item (9) of subsection (c) of the amendatory section in Section 7 and by renumbering subsequent items accordingly:

() Gross proceeds or receipts derived from admissions to events, activities, or facilities, and any fees, charges or rental fees which entitle or enable the entrant to engage in any otherwise taxable amusement activity held herein which are conducted, produced or provided by civic organizations; provided, however, that this exemption shall only apply to one event or activity per civic organization per year;

AND FURTHER AMEND by deleting the last section in its entirety and by substituting instead the following:

Section ____ . The provisions of the amendatory item added by this amendment shall take effect upon becoming a law, the public welfare requiring it and shall be retroactive to May 1, 1985.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 13

Amend House Bill No. 886 by deleting the amendatory section added by Finance, Ways and Means Committee Amendment No. 4 in its entirety.

AND FURTHER AMEND by inserting the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Title 67, Chapter 6, Part 7, is amended by adding the following new section:

Section ____ . (a) For the purposes of this section, unless the context otherwise requires:

(1) "Sale" shall include the sale, gifts in connection with valuable contributions, exchange or other disposition of admission, dues or fees or other disposition of admission, dues or fees to membership sports and recreation clubs, places of amusement or recreational or athletic events or for the privilege of having access to or the use of amusement, recreational, athletic or entertainment facilities. Such establishments or facilities shall include, but not be limited to the amusement and recreational facilities and motion picture theatres described in the standard

industrial classification index prepared by the bureau of the budget of the federal government.

(2) "Retail sale", "sale at retail", and "retail sales price" shall include charges for admission, dues or fees which constitute a sale under this section.

(3) "Dealer" includes every person as defined in item (4) of Tennessee Code Annotated, Section 67-6-102 and every person who charges admission, dues or fees as defined in this section.

(b) It is declared to be the legislative intent that every person is exercising a taxable privilege who charges admission, dues or fees taxable under Section 7 of this act.

(c) (1) Any county by resolution of its county legislative body or any incorporated city or town by ordinance of its governing body is authorized to levy a tax at the rate of two percent (2%) on the retail sale of the same privileges subject to the tax pursuant to Section 7 of this act, as the same may be amended, which are exercised within such county, city or town.

(2) The provisions of Tennessee Code Annotated, Section 67-6-705 -- 67-6-707 shall not apply to taxes levied pursuant to this section.

(d) The tax authorized by this section is and shall be in addition to all other taxes which the state, cities and counties are now authorized to levy; whether levied in the form of excise, license or privilege taxes, and shall be in addition to all other fees and taxes authorized to be levied.

(e) Notwithstanding any provision of this section to the contrary, any private act adopted prior to the effective date of this act which imposes a tax on activities taxable pursuant to this section shall continue to be valid and in full force and effect.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 14

Amend House Bill No. 886 by inserting the following new subsection at the end of the amendatory section in Section 7:

() Notwithstanding any provision of this section to the contrary, any private act adopted prior to the effective date of

this act which imposes a tax on activities taxable pursuant to this section shall continue to be valid and in full force and effect.

On motion, the amendment was adopted.

Mr. Dills moved to amend as follows:

AMENDMENT NO. 15

Amend House Bill No. 886 by adding the following language at the end of the last section:

Provided, however, that the provisions of this act which exempt municipal swimming pools shall be retroactive to June 1, 1985.

On motion, the amendment was adopted.

Mr. Bell moved the previous question, which motion failed by the following vote:

Ayes	54
Noes	33
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Buck, Burnett, Clark (Davidson), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Knox), Dills, Dixon, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jones, King, Kisber, May, Miller, Moore (Shelby), Moore (Sullivan), Murray, Nance, Napier, Phillips, Ridgeway, Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Tanner, Webb, Whitson, Williams, Winningham and Wix--54.

Representatives voting no were: Bivens, Byrd, Chiles, Cobb, Copeland, DeBerry, DePriest, Drew, Duer, Ellis, Jared, Lawson, McAfee, McNally, Montgomery, Moody, Murphy, Peroulas, Rhinehart, Robinson (Hamilton), Stafford, Starnes, Tankersley, Treadway, Turner, B. (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Wolfe, Wood and Yelton--33.

Representatives present and not voting were: Brewer and Kernell--2.

Mr. Work moved to amend as follows:

AMENDMENT NO. 16

Amend House Bill No. 886 by adding the following language at the end of the last section:

Provided, however, the provisions of subsection (c)(2) of

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the amendatory section in Section 7 shall be retroactive to July 1, 1985.

On motion, the amendment was adopted.

Mr. Buck moved the previous question, which motion prevailed by the following vote:

Ayes	80
Noes	11
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, King, Kisber, May, McAfee, McCroskey, Miller, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Swann, Tankersley, Tanner, Treadway, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wood, Work and Yelton--80.

Representatives voting no were: Chiles, Cobb, Copeland, DeBerry, Lawson, McNally, Montgomery, Moody, Starnes, Turner, B. (Hamilton) and Wolfe--11.

Representative present and not voting was: Brewer--1.

Thereupon, House Bill No. 886, as amended, passed its third and final consideration by the following vote:

Ayes	75
Noes	20
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Hassell, Hillis, Hobbs, Hurley, Huskey, Ivy, Jones, Kent, Kernell, King, Kisber, Lawson, May, McAfee, McCroskey, Miller, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Work and Mr. Speaker McWherter--75.

Representatives voting no were: Bewley, Buck, Chiles, Cobb,

Darnell, Gill, Harrill, Henry, Jared, McNally, Montgomery, Moody, Shirley, Stafford, Tankersley, Treadway, Turner, C. (Shelby), Whitson, Winningham and Yelton--20.

Representative present and not voting was: Copeland--1.

A motion to reconsider was tabled.

House Bill No. 665--To alter "Retailers' Sales Tax Act".

Mr. Wood moved that House Bill No. 665 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 665 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-6-313, is amended by designating the current language as subsection (a) and by adding a new subsection as follows:

() There shall be exempt from the sales and use tax retail sales of tangible personal property for use or consumption outside this state if delivery of such property is made outside this state by common carrier, the Tennessee vendor, or by a contract hauler employed either by the Tennessee vendor or by the out of state purchaser. Any dealer making sales of tangible personal property delivered by a contract hauler pursuant to this section shall be required to present a certificate of exemption to the commissioner, certifying that such property is to be used outside of this state.

On motion, the amendment was adopted.

Thereupon, House Bill No. 665, as amended, passed its third and final consideration by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Frensey, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee,

McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

House Bill No. 51--To increase state employee longevity pay rate.

Mr. Murphy moved that House Bill No. 51 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 51 by deleting Section 4 in its entirety and by substituting instead the following new sections:

SECTION 4. Tennessee Code Annotated, Section 8-23-206, subsection (d), item 4 is amended by adding the words "in the Department of Education" after the words "state-employed teachers".

SECTION 5. This act shall take effect July 1, 1985, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 51 by deleting Sections 2 and 3 in their entirety and by substituting instead the following new language:

SECTION 2. Tennessee Code Annotated, Section 8-23-206, subsection (a), item (2) is further amended by adding the following new subitem (C) and by lettering the remaining subitem accordingly:

(C) In the 1985-86 fiscal year, the rate shall be eighty dollars (\$80.00) times the number of years of service with each twelve (12) months of service equivalent to a calendar, or full, year, (\$80.00 x total years of service equals longevity pay.) In the following fiscal year, and in each of the subsequent fiscal years until 1990, the rate shall be increased by

five dollars (\$5.00) each year. (\$85.00 x total years of service equals longevity pay in 1986-87, \$90.00 x total years of service equals longevity pay in 1987-88, \$95.00 x total years of service equals longevity pay in 1988-89, and \$100.00 x total years of service equals longevity pay in 1989-90 and in subsequent fiscal years.)

SECTION 3. Tennessee Code Annotated, Section 8-23-206, subsection (a), item (2), subitem (D) (as redesignated) (i) is amended by deleting the figures and words "1981-82 fiscal year" and substituting the figures and words "1981 through 1984 fiscal years" and by adding the words and figures "at the rate of eighty dollars (\$80.00) per year in the 1985-86 fiscal year, eighty-five dollars (\$85.00) per year in the 1986-87 fiscal year, ninety dollars (\$90.00) per year in the 1987-88 fiscal year, ninety-five dollars (\$95.00) per year in the 1988-89 fiscal year, and one hundred (\$100.00) per year in the 1989-90 fiscal year," before the words " and subsequent fiscal years" in the last sentence.

On motion, the amendment was adopted.

Thereupon, House Bill No. 51, as amended, passed its third and final consideration by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

House Bill No. 289--To enact Child Support Enforcement Act.

Mr. Murphy moved that House Bill No. 289 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 289 by deleting the existing language in Sections 1 through 19 in its entirety and by substituting instead the following:

SECTION 1. This act may be cited as the "Child Support Enforcement Act of 1985."

SECTION 2. TCA Section 36-2-106, is amended by adding the following new subsection: "(d) Hearings under this section shall be expedited by giving all such cases priority over all other cases on the court's civil docket not related to child support."

SECTION 3. TCA Section 36-2-108(b) is amended by deleting it in its entirety and substituting instead: "The order of paternity and support shall specify who is to have custody of the child, and the sum to be paid monthly or otherwise, through the Clerk of the Court, until the child reaches the age of majority , and as otherwise provided by statute. In addition to providing for the support and education, the order shall also provide for the payment of the necessary expenses incurred by or for the mother in connection with her confinement and recovery; for the funeral expenses if the child has died; for the support of the child prior to the making of the order of paternity and support; and such expenses in connection with the pregnancy of the mother as the court may deem proper. The court shall set a specific amount which is due in each month to be paid in one or more payments as the court orders.

SECTION 4. TCA Section 36-2-109 is amended by deleting the first sentence and substituting instead: "The Court may require that the Clerk send the payment to the mother, caretaker, relative, or to some other person or corporation to be designated by the Court as trustee. If an assignment has been made under TCA Section 14-8-124, or the proceedings have been initiated by the State on behalf of an individual under Title IV-D of the Social Security Act, the Department of Human Services shall be made the payee, as provided in Section 36-5-101(a)(4)."

SECTION 5. TCA Section 36-5-101(a)(1) is amended by deleting it in its entirety and substituting instead: "Whether the marriage is dissolved absolutely, or a perpetual or temporary separation is decreed, the court may make an order and decree for the suitable support and maintenance of either spouse by the other spouse, or out of his or her property, and of the children, or any of them, by either spouse or out of such spouse's property, according to the nature of the case and the circumstances of the parties, the order or decree to remain in the court's control; and, on application of either party, the court may decree an increase or decrease of such allowance only upon a showing of substantial and material change of circumstances. Such modification shall only be made as to payments accruing subsequent to the application for modification. Provided, however, in

determining the amount an obligor shall be ordered to pay as payment on any accumulated arrearages, the court may grant the obligor adequate funds to support himself/herself during the period of repayment of such arrearages. The Court shall set a specific amount which is due in each month to be paid in one or more payments as the court orders.

SECTION 6. TCA Section 36-5-101(a)(4) is amended by deleting it in its entirety and substituting instead: "The order or decree of the Court shall provide that all support payments are paid to the Clerk of the Court to be distributed within 10 working days as the court orders. If an assignment has been made, the clerk shall send any payment received on behalf of such individual, along with the first and last names of the parties, docket number, IV-D number (if any), IV-A number (if any), and date and amount of payment, to the Department of Human Services or its assignee within 10 working days of receipt thereof. Further, in every such IV-D case the clerk shall send a copy of any new order or modification of such order, prior to or along with the first payment received pursuant to such order to the Department of Human Services or its assignee within the time limit stated above. Provided, however, in the event the Department of Human Services or its assignee provides the clerk with a certificate specifying the amount of support due the state as a result of assistance payments made to or on behalf of such individual, the clerk shall distribute the payments to such individual and to the department in accordance with such certificate. All orders of child support, whether entered before or after the effective date of this act, shall be enforceable by income assignment as provided in Section 36-5-501, and every such order shall be deemed to contain a provision authorizing such assignment, without the necessity of having such provision expressly contained in the order."

SECTION 7. TCA Section 36-5-101(b) is amended by deleting it in its entirety and substituting instead: "In addition to the remedies provided in TCA Section 36-5-501 et seq. but not as an alternative to those provisions and if a parent is more than thirty (30) days in arrears, the clerk of the county may, upon written application of the obligee parent, a guardian or custodian of the children, or the department of human services if the child or children are public charges, issue a summons or, in the discretion of the court, an attachment for such parent setting a date for appearance bond of not less than two hundred and fifty dollars (\$250) and not more than twenty-five hundred dollars (\$2500). In addition, the court may at any time require an obligor parent to give security by bond with sufficient sureties approved by the court for payment of past, present, and future support due under the order of support. If the obligor parent thereafter fails to appear or fails without good cause to comply with the order of support, such bonds may be forfeited and the proceeds therefrom paid to the county clerk and applied to the order of support."

SECTION 8. TCA Section 36-5-103(a) is amended by deleting it in its entirety and substituting instead: "(a) In addition to the

remedies in TCA Section 36-5-501 et seq. the court shall enforce its orders and decrees by requiring the obligor to post a bond or give sufficient personal surety under TCA Section 36-5-101(b) to secure past, present, and future support, unless the court finds that the payment record of the obligor parent, the availability of other remedies and other relevant factors make the bond or surety unnecessary. The court may enforce its orders and decrees by sequestering the rents and profits of the real estate of the obligor against whom such order or decree was issued, if he has any, and his personal estate and choses in action, and by appointing a receiver thereof, and from time to time causing the same to be applied to the use of the obligee and the children, or by such other lawful means the court deems necessary to assure compliance with its orders, including but not limited to the imposition of a lien against the real and personal property of the obligor. "

SECTION 9. TCA Section 14-8-124(a) is amended by deleting it in its entirety and substituting instead: (a) Each applicant or recipient who receives or authorizes payment of public assistance pursuant to Title IV-A or IV-E of the Social Security Act, shall be deemed to have assigned to the state any rights to support from any other person such applicant or recipient may have (i) in his own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid, and (ii) which have accrued at the time such assignment is executed. Each payment shall constitute "receipt" for purposes of determining when the assignment is executed. During the terms of such assignment, the state department shall be subrogated to the rights of the child or children or the person having custody to collect and receive all child support payments. The state department shall have the right to initiate any support action in its own name or in the name of the recipient under existing laws of this state and to recover any payments ordered by the courts of this or any other state. In the exercise of its subrogation rights, the state department shall give the person having custody prior notice of any action taken to enforce or modify support and shall inform the custodian of the right to intervene to protect any future interest, provided, however, failure to provide such notice shall not be a defense to the obligor in any proceeding."

SECTION 10. TCA Section 14-8-124 is amended by deleting Sections (b) and (c) in their entirety and substituting instead: "(b) "The state department shall certify to the clerks of the appropriate state courts that an assignment of any and all rights, title and interest in support right has been made to this state by a public assistance recipient of this state. The state department may also, in its discretion, certify to the clerk of the appropriate court in this state that a recipient of public assistance in another state has assigned support rights to that state pursuant to federal law. Upon receipt of this certification, the clerks of the appropriate state courts shall immediately transmit support payments that they receive on behalf of such public assistance recipient. The clerk shall transmit the amount directly to the agency specified by the state

department. The clerks are to identify these payments by the name of the parties involved in the cause of action and by the docket number of the cause of action. These support payments shall be transmitted to the state department or the specified agency continuously until the state department notifies the clerks of the appropriate state courts that it is no longer necessary to do so. The Department of Human Services shall send to each recipient notice of payments received in their behalf quarterly."

(c) Upon the filing of an application by an individual not otherwise eligible for support services under this section, the state department may initiate support actions for an individual, in accordance with the provisions of Title IV-D of the Federal Social Security Act, as amended. The state department shall impose a collection service fee for the costs of providing this service not to exceed twenty-five dollars (\$25) in accordance with the requirements of Title IV-D of the Social Security Act as amended by Public Law 97-35 or subsequent amendments. Said collection service fee shall be charged to the obligor parent and refunded to the individual when collection efforts are successful.

SECTION 11. TCA SECTION 8-21-403(a) and (b) are amended by deleting them in their entireties and substituting instead: "(a) Each clerk of a court of record in this state receiving, handling and disbursing spousal support, child support, and similar moneys under and by order of court is entitled to charge and receive from the obligor the sum of five percent (5%) for any and all payments received during each calendar month for his services, in so receiving, handling and disbursing same in addition to any amounts collected for support.

(b) All records, papers, files, and other documents in the clerks office pertaining to Title IV-D collections shall be open for inspection and subject to audit by the Department of Human Services, the state Comptroller's Office, or authorized agents of the federal government. The clerk shall have the authority to contract with the Department of Human Services, subject to availability of funds, to pay for the costs of collecting child support under Title IV-D of the Social Security Act and the laws of this state pursuant thereto, but any expenditures for which reimbursement is sought under such a contract shall be reduced by the amount of fees collected by the contracting clerk under paragraph (a) of this section."

SECTION 12. TCA Section 50-2-105 is amended by deleting subsection (a) in its entirety and substituting instead: "(a) No action shall be brought to charge any employer upon any assignment by any clerk, servant, or employee of such employer to any person of any wages or salaries unearned at the time of such assignment, unless such assignment at the time of the execution thereof shall have been assented to in writing by such employer, or unless such assignment is to enforce support orders as provided in Title 36, Chapter 5, Part 5. Whenever the terms 'support' or 'order of support' or 'child support' are used in this section, such terms shall include child support, and

support for a spouse or ex-spouse if the obligor is legally responsible for the support of a child residing with the spouse or ex-spouse." TCA Section 50-2-105 is further amended by adding the following new subsection; "(d) an order for the assignment of income entered by a court under Subsections (b) and (c) for child support entered before the effective date of the Child Support Enforcement Act of 1985 shall remain in full force and effect until and unless modified or terminated. Any new order for modification or termination of support and any assignment of income for support shall be as provided under the Child Support Enforcement Act of 1985 and particularly TCA Title 36, Chapter 5, Part 5."

SECTION 13. TCA Title 36, Chapter 5 is amended by adding the following new part, which may be cited as "Expedited Process for Support":

Section 36-5-401 Definitions. For the purpose of this part and unless the context requires otherwise, the following terms have the following meaning:

(a) **Petitioner** - a person or governmental entity seeking to be awarded or to enforce support for a child, or seeking to modify a previous child support order.

(b) **Respondent** - a person from whom child support is sought or person in opposition to modification of prior order.

(c) **Child** - a person entitled to support from his or her parents by virtue of his or her minority or who is entitled to support as provided in TCA Section 34-1-101(b).

(d) **Referee** - a duly licensed attorney who has been actively engaged in the practice of law for a period of not less than two (2) years appointed by Court authority to set and enforce child support, and to administer expedited process as set out in this part.

(e) **Support or Order of Support** - includes child support and support for a spouse or ex-spouse if the obligor is responsible for the support of a child residing with the spouse or ex-spouse.

Section 36-5-402. Appointment of Referees:

(a) The presiding judge of each judicial district shall provide for expedited support hearings in one of the following manners:

(1) The presiding judge of each judicial district, after conferring with the other judges and chancellors of his judicial district shall appoint one or more referees to serve each county in the district. Such referees shall have power and authority as provided in TCA Section 36-5-403, and shall hold office at the pleasure of the appointing authority.

(2) The presiding judge may, with the agreement of all

judges having child support jurisdiction in a particular county or counties, enter into agreements with juvenile courts to set, enforce, and modify support orders as provided in this part. In the event such agreement is entered into, the juvenile court shall have jurisdiction over all support cases in such county, except as may otherwise be provided in the agreement, any contrary provision of law notwithstanding.

(3) The presiding judge may, after conferring with the other judges and chancellors in his judicial district, submit a written plan for enforcement of child support matters in the judicial district to Commissioner of Human Services. Said plan shall contain the following minimum requirements:

(A) The plan shall provide that all hearings in child support matters will be heard by the court within a reasonable period of time, not to exceed thirty (30) days after service of process in each county in the circuit.

(B) That the judicial district or political subdivision will comply with the other provisions of this Act.

(C) The plan must demonstrate that the circuit will comply with federal law and regulations for the granting of a waiver. Such demonstration must be supported through the presentation of data that the Secretary of Health and Human Services may require to comply with federal law and regulations.

(4) If the commissioner finds that the plan submitted by the judicial district or political subdivision meets the requirements in federal law and regulations for the granting of a waiver, under this part the commissioner shall request such exemption in accordance with federal law and regulations.

(5) If, at any time, it appears to the Commissioner of the Department of Human Services that a judicial district or political subdivision is not issuing or enforcing support orders in a timely manner and as required by this Act, or that a submitted plan does not meet federal requirements, the commissioner may decertify or reject the plan. Upon decertification, or rejection, the requirements of TCA Section 36-5-402(a)(1) and (b) become applicable.

(b) If by July 1, 1986, the Presiding Judge fails to comply with the provisions of subsection (a), the Judge will be deemed to have delegated this responsibility to the Executive Secretary of the Supreme Court of Tennessee, and the Secretary shall immediately appoint a Referee to serve in accordance with this part.

(c) The Presiding Judge shall appoint as many referees as are

needed to provide hearings in all child support cases within a reasonable period of time, not to exceed 30 days after service of process, in each county in the Circuit.

(d) The Presiding Judge shall prescribe which county or counties within the circuit that a Referee will serve, whether the position shall be full or part-time, and all other terms and conditions of the appointment. Provided, however, that the compensation paid a Referee shall not exceed an amount to be determined by the Executive Secretary of the Supreme Court of Tennessee.

(e) The Executive Secretary shall have authority to enter into contracts with the Tennessee State IV-D Office of Child Support Enforcement to obtain funding for compensation for the Referee, support staff and other expenses necessary to provide for the performance of duties required in this part and required in TCA Section 36-5-501 et seq. Such contracts shall be subject to availability of funds.

(f) The provisions of Subsections (a) through (e) shall not apply to Juvenile Courts. The appointment of referees in Juvenile Court shall be governed by the provisions of Chapter 1 of Title 37 of Tennessee Code Annotated.

Section 36-5-403. Powers of a Referee. The Referee shall have the same authority and power as a Circuit Court Judge to issue any and all process and in conducting hearings and other proceedings in accordance with this part provided, however, all final orders of a Referee must be reviewed by a Judge as provided in Section 36-5-405.

Section 36-5-404. Powers and Duties of the Clerk. The office of the clerk of the court shall provide a sufficient supply of the forms provided in TCA Section 36-5-406. These forms shall be limited to use in causes filed under this part and they shall be made available to all who request assistance in filing a petition. The office of the clerk shall also assist a person who is not represented by counsel by filling in the name of the court on the petition and testimony or shall refer the person to the proper IV-D agency within the county.

Section 36-5-405. Actions for Support.

(a) Any person seeking to set, enforce, modify or terminate support may commence such an action by filing a Petition and Testimony in the form proscribed by TCA Section 36-5-406 with the office of the clerk.

(b) When a petition is filed, the Clerk shall designate a hearing date on the notice proscribed in TCA Section 36-5-401 et seq. within twenty-one (21) days of the date the Petition is filed; the clerk shall then send a copy of the completed petition, testimony and the notice to respondent by certified mail, return receipt requested. The Clerk shall give a copy of completed notice, petition and testimony to petitioner.

(c) If the return receipt is not received by the hearing date, and the Respondent fails to appear, or if the return receipt does not bear the signature of the Respondent and the Respondent fails to appear, then the Referee shall direct the clerk to reissue the petition with a new notice of hearing and may direct service as set out in Section (b) above or may direct service by issuance of a summons to be served by the sheriff or process service, designated by the Referee. If a petition is for contempt, the court may issue an attachment for the arrest of the Respondent with a bond.

(d) If the Respondent fails to appear after Service and if the return receipt does bear the signature of Respondent, the Referee may grant the relief sought in the Petition by default.

(e) If Respondent does appear, the Referee may enter a consent order if the parties reach agreement and the Referee finds the agreement to be reasonable.

(f) If the Respondent appears and the parties do not agree, the Referee shall hear testimony and issue an order granting such relief as Court Referee finds appropriate.

(g) Upon the conclusion of the hearing in each case, the Referee shall transmit to the Judge all papers relating to the case, along with his findings and recommendations in writing. A Referee's decision on a preliminary matter, not disposition of the ultimate issue in the case, shall be final and not reviewable by the Judge.

(h) Any party may, within five (5) days thereafter, excluding nonjudicial days, file a request for a hearing by the Judge of the court having jurisdiction. The Judge may, on his own motion, order a rehearing of any matter heard before a referee, and shall allow a hearing if a request for such is filed as herein prescribed. Unless the Judge orders otherwise, the recommendation of the Referee shall be in effect pending rehearing or approval by the court.

(i) If a hearing before the judge is not requested, the findings and recommendations of the referee become the final decree of the court when confirmed by an order of the judge.

(j) There shall be no litigation tax and the clerk shall not refuse to file a petition for a party proceeding under this part for failure to pay a filing fee.

(k) Any party may appeal a final order entered under this section to the Court of Appeals. Any such appeal shall be governed by the applicable provisions of the Tennessee Rules of Appellate Procedure.

Section 36-5-406. The following forms or othe forms containing all of the notices required shall be used to commence any action under this part:

(A) Petition Form

IN THE _____ COURT OR _____ COUNTY,
TENNESSEE _____,

Petitioner

vs.

No. _____

Respondent

PETITION _____ TO SET CHILD SUPPORT (Check one)
_____ TO ENFORCE CHILD SUPPORT
_____ TO MODIFY CHILD SUPPORT

Petitioner, _____, under TCA Title 36, Chapter 5, states:

1. Petitioner is a resident of _____ County, Tennessee, and lives at _____.

2. Respondent is a resident of _____, _____ and lives at _____.

3. The child(ren) for whom support is sought is (are):

(name) _____ (birthdate) _____

(name) _____ (birthdate) _____

(name) _____ (birthdate) _____

4. This(these) child(ren) reside(s) at _____.

5. Petitioner's relationship to the(these) child(ren) is _____.

6. Respondent is obligated to pay support for this(these) child(ren) because: (check appropriate section)

_____ (a) respondent is legal parent by virtue of birth during marriage to (ex-spouse name) _____ on (date of marriage) _____.

_____ (b) court order of _____ court on (date) _____, (copy attached (may be order of paternity, legitimation, divorce, adoption, nonsupport)).

_____ (c) other (specify) _____.

7. Petitioner seeks to: (check appropriate item a - e)

- ☐ (a) have support set.
☐ (b) enforce support.
☐ (c) modify support.
☐ (1) by increasing support
☐ (2) by decreasing support
☐ (d) recover arrearages due
☐ (e) other (specify) _____.

SO THE PETITIONER REQUESTS:

1. That a hearing in this cause be set and notice of said hearing be served on Respondent, as provided in Section 36-5-405(a).

2. That the Court order: (check the appropriate paragraph a through d)

☐ (a) Respondent to pay a reasonable amount of child support in the manner deemed appropriate.

☐ (b) Enforcement of the previously ordered child support by means the Court finds to be appropriate, including but not limited to income assignment, issuance of liens on real and/or personal property of Respondent, requiring a bond or other security to assure payment.

☐ (c) An increase in child support.

☐ (d) A decrease in child support.

3. For general relief.

PETITIONER

STATE OF TENNESSEE)
COUNTY OF _____)

_____, being first duly sworn, affirms that the petitioner has read the foregoing petition, knows the contents thereof, and that the same is true and correct to the best of petitioner's knowledge, information and belief.

PETITIONER

Sworn to and subscribed before me this _____ day of _____, 19__.

My commission expires: _____.

NOTARY PUBLIC OR CLERK

(B) Testimony Form

IN THE _____ CIRCUIT COURT OF _____ COUNTY, TENNESSEE

_____,
Petitioner

vs.

No. _____

_____,
Respondent

TESTIMONY

PETITIONER _____, the Petitioner herein, being duly sworn, says as follows:

Q. What is your full name?

A.

Q. Where do you reside?

A.

Q. When and where were you married to the respondent? (date and place)

A.

Q. Are you still the spouse of the respondent? If not, give date and place of divorce.

A.

Q. Were there any children born of this marriage?

A.

Q. What are their names, ages, and dates of birth?

A.

Q. Are the children living with you?

A.

Q. When did the respondent last live with you?

A.

Q. When and how much was his last contribution for support?

A.

Q. Is there a complaint or an order for support in any Court? If so, name the court, amount and docket number.

A.

Q. Are you employed? If so, what are your earnings?

A.

Q. Do you have any outstanding debts? (Itemize balance due on charge accounts, etc.)

A.

Q. How much is spent each month for the support of yourself and/or the children?

A.

EXPENSES

Rent or Mortgage payment

Groceries and household supplies

Entertainment

Transportation

(includes car payment, insurance payment, gas, maintenance or bus or car fare).

Medical

(includes doctor bills, hospital bills, insurance premiums, etc.)

Utilities

(includes phone bill, electric bill, natural gas bill, water and sewer, garbage pickup bills).

Child Care

(includes baby sitting care, day care, nursery, kindergarten).

School

(includes school supplies, school lunches, etc., and tuition when applicable).

Insurance

(other than medical or automobile).

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Charge account payments _____

Loan payments _____

Incidentals _____

(includes gifts, donations, subscriptions,
hair cuts, etc.).

Laundry and cleaning expenses _____

Other _____

TOTAL

Q. Where is the respondent now living?

A.

Q. Can you describe the respondent?

A. Height: _____ Weight: _____ Date of Birth: _____
Hair: _____ Race: _____ Social Security No.: _____
Photograph attached: _____ Eyes: _____
Other: _____

Q. What is the respondent's usual occupation?

A.

Q. Where is the respondent employed and what is his/her salary?

A.

Q. To your knowledge, does the respondent have additional income?
(second job, Military reservist, etc.?)

A.

Q. Does the respondent own any property? If so, describe it.

A.

Q. Are you receiving financial assistance from the Department of
Human Services? If so, in what amount?

A.

Q. If you do not receive support from the respondent, will it become
necessary for you to apply to the Department of Human Services
for financial assistance?

A.

Q. How much do you need from the respondent to support yourself
and/or the children?

A.

PETITIONER

Sworn before me this _____ day of _____, 19__.

NOTARY PUBLIC OR CLERK

My commission expires: _____

(C) Notice Form

IN THE COURT OF COUNTY, TENNESSEE

Petitioner

vs.

Respondent

No.

NOTICE

TO THE RESPONDENT, _____

Notice is hereby given to you, _____,
that the petitioner will appear before the Honorable _____,
Referee of the _____ Court for _____ County, Tennessee, on
the _____ day of _____, 19 __, requesting the Court: (check
appropriate section)

(a) to order support and payments for the individuals listed in the attached Petition for Child Support.

(b) to enforce the order of support entered in the _____ Court on the _____ day of _____, 19____, as set out in the attached Petition for Child Support.

____ (c) to modify the prior support order entered in the ____ Court
on the ____ day of ____, 19__, as set out in the attached
Petition for Child Support.

The hearing is to be held at _____.m. and you may be represented by a lawyer if you choose.

IF YOU WANT TO TELL YOUR SIDE TO THE REFEREE, YOU MUST BE AT THE HEARING ON _____, 19__ . IF YOU DO NOT COME TO THE HEARING, THE REFEREE WILL DECIDE BASED ONLY ON THE

PETITIONER'S TESTIMONY AND MAY ISSUE AN ORDER: (check appropriate section)

____ (a) REQUIRING THAT YOU PAY THE SUPPORT SOUGHT IN THE ATTACHED PETITION.

____ (b) ENFORCING THE SUPPORT BY PAYROLL DEDUCTION OR ANOTHER MEANS THAT THE COURT FINDS REASONABLE.

____ (c) GRANTING THE MODIFICATION OF THE PREVIOUS SUPPORT ORDER WHICH IS SOUGHT IN THE ATTACHED PETITION.

CLERK

Certificate of Service

I certify that a copy of this Notice, Petition and Testimony was given to the Petitioner and was served on respondent by mailing Notice, Petition and Testimony by certified mail return receipt requested on the _____ day of _____, 19____.

CLERK

SECTION 14. Tennessee Code Annotated Title 36, Chapter 5 is amended by adding the following new part which may be cited as "Assignment of Income for Support".

Assignment of income for child support shall be administered as follows:

Section 36-5-501. (a) When any order for the support of minor children is entered in a court, whether setting support, modifying support or enforcing previously ordered support, the court may order an immediate assignment to the Clerk of the Court, of the party's wages, salary, commissions, pensions, annuities and other income due and to be due as the court may find necessary to comply with the order of support, including, in the court's discretion, an amount reasonably sufficient to satisfy an accumulated arrearage. The order shall also include an amount necessary to cover the fee due the Clerk of the Court under Section 8-21-403. In the event the court does not order an immediate assignment, every order shall be enforceable by income assignment as provided in this section and enforceable as provided in Sections 36-5-101(a)(4), 36-5-101(b), and 36-5-103(a).

(b) In all cases in which an immediate assignment has not been ordered, in which a parent who is ordered to pay support is in arrears as herein defined, the clerk of the court shall issue a notice to the parent owing support as proscribed in Section 36-5-502 (a) upon affidavit of the obligee parent, a guardian or custodian of the child(ren), or the department of human services or their assignee that

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the parent owing support is in arrears. For purposes of this part, arrears shall mean any occasion on which the full amount of ordered support is not paid by the fifth day of the month following the month in which the support is due.

(c) In the event the obligor parent owing support requests a hearing regarding the withholding as provided in paragraph (b) within ten (10) days of the mailing date of the notice, the clerk shall promptly docket the case with the referee or court as provided by Section 36-5-401 et seq., shall give notice to all parties, and shall take any other action as is necessary to insure that the time limits provided in paragraph (d) are met.

(d) In all cases in which the obligor parent owing support requests a hearing, the referee or court shall conduct a hearing and make a determination, and the Clerk shall notify the parent owing support of the decision, within forty-five (45) days of the mailing date of the notice provided in paragraph (b).

(e) Upon entry of an order for income assignment provided in paragraph (a) or (b) or in the event the obligor parent owing support does not contest the withholding or requests such withholding in writing, the clerk shall issue a Notice of Income Assignment Determination as provided in Section 36-5-502.

(f) The amount to be assigned under the income assignment withheld for support may not be in excess of 50% of the income due after withholding taxes and FICA are deducted.

(g) The assignment is binding upon any employer, person or corporation including successive employers 14 days after mailing of the notice from the Clerk of the Court and the amount must be sent to the Clerk at the same time the employee is paid, and is binding until further notice. The employer, person or corporation must notify the Clerk upon termination of employment or income payments and provide the Clerk with the individual's last known address and name and address of new employer or source of income if known.

(h) It shall be unlawful for an employer to use the assignment as a basis for discharge or any disciplinary action against the employee. Compliance by an employer, other person, institution, or corporation with the order shall operate as a discharge of the liability of such employer, other person, institution or corporation to the affected individual as to that portion of the income so affected. If the employer, other person, institution, or corporation fails to comply with the notice, such employer, other person, institution, or corporation is liable for any amounts up to the accumulated amount which should have been withheld.

(i) An assignment under this section shall take priority over any other assignment or garnishment of wages, as described in Chapter 2 of Title 26, or salary, commissions or other income, except those deductions made mandatory by law or hereafter made mandatory. If the

employer, person, corporation, or institution receives more than one order of income assignment against an individual, he must comply on a "first-come-first-serve" basis and must honor all withholdings to the extent the total amount withheld from wages does not exceed 50% of the employee's wages after FICA and withholding taxes are deducted. An employer, person, corporation, or institution may make one payment to the Clerk of the Court so long as the employer separately identifies the portion of the single payment attributable to each individual obligor parent.

(j) The term "employer, person, corporation or institution" as used in this section shall include the Federal Government, the State and any political subdivision thereof and any other business entity which has in its control funds due to be paid to a person who is obligated to pay child support.

(k) If the court has personal jurisdiction over the respondent, the court may enter an order for the assignment of income, even though the respondent is employed in a state other than Tennessee. The order which provides for the assignment of income shall be certified according to the Acts of Congress and forwarded to said employer in the foreign state by certified or registered mail, return receipt requested. A copy of said order shall also be mailed to the last known address of the respondent. If the case is a IV-D case, such orders shall be submitted to the Department of Human Services for forwarding to the appropriate state agency. If the event the respondent contends that the court did not have jurisdiction over him or that he was not given proper notice of the proceedings or if he wishes to contest the order for other reasons, he may do so by filing the proper pleadings in the court which entered the order. Until such time as the assignment order is changed, the employer shall have the responsibility for continuing to honor the assignment of income order. A foreign order authenticated under the Uniform Enforcement of Foreign Judgments Act, TCA Title 26, Chapter 6, Part 1, for the assignment of income for support shall be enforceable in the state of Tennessee as though originally issued by a Tennessee court, pursuant to the provisions of this act.

(1) Any employer, person, corporation, or institution which is ordered to pay an income assignment on behalf of an individual may charge the obligor parent an amount of up to 5% not to exceed \$5 per month for such service, if fees are charged for other voluntary deductions.

Section 36-5-502. (a) The following form shall be used to notify a obligor parent owing support of the intent to assign income:

IN THE _____ COURT OF _____ COUNTY, TENNESSEE

_____,
Petitioner

)
)
)

v.

No. _____

Respondent

ADVANCE NOTICE OF INCOME ASSIGNMENT

You are hereby notified that due to: (check one) _____ a delinquency in the payment of child support payments in the amount of \$ _____, or _____ a request made by you on _____, 19____, withholding of your income to satisfy your support obligation will begin. Your employer, person, corporation, or institution, _____, will be notified to withhold \$ _____ from your income each _____ and send it to this office.

This income assignment will begin unless you request a hearing by contacting this office within 10 days of the mailing date of this Notice. The only grounds for contesting this income assignment is a mistake of fact as to delinquency in payment.

IF YOU WISH TO CONTEST THIS WITHHOLDING, YOU MUST CONTACT THIS OFFICE ON OR BEFORE THE _____ DAY OF _____, 19____.

IF YOU DO NOT REQUEST A HEARING BY THE ABOVE DATE, NOTICE WILL BE SENT TO THE ABOVE NAMED EMPLOYER, PERSON, CORPORATION, OR INSTITUTION, 11 DAYS FOLLOWING THE MAILING OF THIS NOTICE.

They will be notified of the following:

*That they are directed to deduct support from your income in the amount of \$ _____ per _____ and that it shall be paid to this office. The amount withheld for support may not, however, be in excess of 50% of your wages after the deduction of FICA and withholding taxes.

*Withholding of support is binding upon the employer, person, corporation, or institution, until further notice by this office. If they fail to withhold income in accordance with the provisions of this notice, they shall be liable for any amount up to the accumulated amount which should have been withheld.

*Withholding of support in accordance with this notice shall have priority over any other legal process under State law against the same income.

*If there is more than one order of income assignment against your income, they must comply on a "first-come-first-served" basis and must honor all withholdings to the extent that the

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total amount held does not exceed 50% of net wages available after withholding taxes and FICA are deducted.

*Withholding must be implemented no later than the first pay period that occurs 14 days following the date of this notice.

*It is the responsibility of an employer to notify this office when you terminate employment with him/her and to provide to this office your last known address and the name and address of your new employer if it is known.

*It is unlawful under TCA Section 36-5-501(h) for an employer to discharge any employee from employment, refuse to employ or to take disciplinary action against any employee because of child support withholding.

CLERK

Certificate of Service

I certify that a copy of this Advance Notice of Income Assignment was given to Petitioner and was served on Respondent by mailing Advance Notice of Income Assignment by certified mail return receipt requested deliver to addressee only on the _____ day of _____, 19____.

CLERK

(b) The following form shall be utilized to notify a obligor parent owing support of the decision regarding income assignment:

IN THE _____ COURT OF _____ COUNTY, TENNESSEE

_____ ,)	
)	
Petitioner)	
)	
vs.)	No. _____
)	
_____ ,)	
)	
Respondent)	

NOTICE AND ORDER OF INCOME ASSIGNMENT TO THE RESPONDENT

Notice is hereby given to you that the Referee has ruled that:
(check appropriate section):

___ there was no mistake of fact in the matter of delinquent support and that income withholding will begin. Notice will be sent to the employer, person, corporation, or institution which has control

of funds, on the next working day of this office. Notice to them shall consist of the information described in Advance Notice of Income Assignment which was mailed to you on _____.

_____ there was a mistake of fact in the matter of your delinquency of support payment and that income withholding shall not occur by order of the Court.

Served on respondent on the _____ day of _____, 19__.

JUDGE OR REFEREE

CLERK

Certificate of Service

I certify that a copy of this Notice of Income Assignment was given to Petitioner and was served on Respondent by mailing Notice of Income Assignment by certified mail, return receipt requested, deliver to addressee only, on the _____ day of _____, 19__.

CLERK

(c) The following form and any additional information required by the employer, person, corporation, or institution shall be used to notify and order an employer, person, corporation or institution that an income assignment has been made:

IN THE _____ COURT OF _____ COUNTY, TENNESSEE

_____ ,)	
Petitioner)	
)	
vs.)	No. _____
)	
_____ ,)	
Respondent)	

NOTICE AND ORDER FOR INCOME ASSIGNMENT DETERMINATION

TO: _____
(employer, person, corporation or institution)

Notice is hereby given to you that you are ordered to deduct support from the income of _____, Social Security # _____, in the amount of \$ _____ per _____ and pay it to this office. The amount withheld for support may not be in excess of 50% of the net wages of an employee after the deduction of FICA and withholding taxes.

Payment of the support to this office shall be made at the same time the individual is paid.

Withholding of support is binding upon you until further notice by this office. If you fail to withhold income in accordance with the provisions of this notice, you are liable for any amount up to the accumulated amount which should have been withheld from the income of _____.

Withholding of support in accordance with this notice shall have priority over any other legal process under State law against the same wages or other income for debts other than child support.

If there is more than one order for withholding for child support payments against the income of _____, you must comply on a "first-come-first-served" basis and must honor all withholdings for child support payments to the extent that the total amount withheld does not exceed 50% of the net wages after withholding taxes and FICA are deducted.

Withholding must be implemented no later than the first pay period that occurs 14 days following the date of this notice.

It is your responsibility to notify this office when _____ terminates employment with you and to provide to this office the last known address and the name and address of the new employer of _____ if it is known.

It is unlawful under TCA Section 36-5-501 for you to discharge any employee from employment, refuse to employ, or to take disciplinary action against any employee because of child support withholding.

If you are required to withhold support from more than one person, it is allowable to combine withheld amounts in a single payment to each appropriate court requesting withholding and separately identify the portion of the single payment which is attributable to each individual.

Checks should be made payable to _____ and mailed to _____.

CLERK

Certificate of Service

Served on employer by mailing Notice and Order of Income Assignment by certified mail on the _____ day of _____, 19____.

CLERK

Section 36-5-503. The following procedures shall apply to termination of income assignment.

(a) Any part or their agents or assignees may seek termination of an order under this Section if there are no longer any children to whom the obligor parent is obligated to pay support, whether by the marriage of the child(ren), by the death of the child(ren) or if the child(ren) has(have) reached majority or pursuant to Section 34-1-101, the age designated upon which any support obligation terminates. If there are children to whom the payor is still obligated, though a change of circumstances has occurred as a result of a discontinued obligation to one child, the payor may not seek termination but may seek modification of a support order pursuant to Section 36-5-404. Parties seeking a change of custody, pursuant to Section 36-6-101 may not seek termination under this provision but must request termination by the trial court if there is a change in custody ordered. The Clerk of the Court shall send the Order and Notice of Termination of Income Assignment to the obligor parent, obligee parent, and employer, person, corporation, or institution upon the decision to terminate and not to terminate.

(b) the obligor parent may also seek termination or modification of a support order when the whereabouts of the obligee parent and child(ren) are unknown and the clerk of the court has been unable to forward past payments, and all arrearages owed to the State of Tennessee as a result of the custodian's receipt of public assistance have been paid. The obligor parent may either file a motion for termination or seek modification of the child support order when support payments equal to the amount due within one month have been returned to the office of the clerk and all reasonable means to locate the obligee parent and child(ren) have been exhausted. The clerk of the court shall notify the obligor that such payments have been returned to the clerk. The obligor parent must submit an affidavit verifying that he or she has exhausted reasonable efforts to locate the obligee parent and children.

(c) When a motion to terminate is filed, the Clerk of the Court shall proceed to set a hearing and serve the parties as provided in TCA Section 36-5-405.

(d) If the obligor parent wishes to file a motion for termination or to seek modification of the support order he or she must complete and file an affidavit affirming that he or she has contacted a reasonable number of relatives and friends of the obligee parent and all lack any knowledge regarding the whereabouts of the custodian and child(ren), and that he/she has made other reasonable efforts to locate the obligee parent and child(ren) including:

1. Mailing a letter to the obligee parent's last known address requesting a new mailing address.
2. Checking the telephone directory and directory assistance for a listing of the obligee parent.

3. Contacting the obligee parent's last attorney of record and inquiring as to whether the attorney can provide a current address.
4. Contacting the obligee parent's last known place of employment (if known) and inquiring as to whether a current address may be provided by the employer.
5. Contacting the Department of Human Services and inquiring if its records contain a current address of the obligee parent.

Section 36-5-504. (a) The following form or other forms containing all the notices required shall be used to move for the termination of income assignment:

IN THE _____ COURT OF _____ COUNTY, TENNESSEE

_____ ,)	
)	
Petitioner)	
)	
vs.)	No. _____
)	
_____ ,)	
)	
Respondent)	

MOTION TO TERMINATE INCOME ASSIGNMENT

Comes _____, _____ and
(name) (obligor parent)
would move the Court to terminate the income assignment previously
ordered on the _____ day of _____, 19____, because: (check
appropriate reason a - e)

___ (a) the minor child(ren) _____,
(name(s))
_____, for whom support is paid has/have reached the age
(birthdate(s))
of majority and is no longer a student as required by TCA Section 34-
1-101.

___ (b) the minor child(ren) _____,
(name(s))
_____, for whom support is being paid is/are deceased,
(birthdate(s))
death having occurred on the _____ day of _____, 19____,
(attach copy of death certificate or other documentation).

___ (c) the minor child(ren) _____,
(name(s))
for whom support is paid, married on the _____ day of _____,

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19__, at _____, _____, (attach a copy
(city) (state)
of marriage certificate or other documentation.

____ (d) my parental rights to the minor child(ren),
_____, for whom support is paid, were terminated by
(name(s))
order of the _____ Court, _____ County, _____
(state)
on the _____ day of _____, 19__, (attach copy of order).

____ (e) the whereabouts of the obligee parent _____
(name)
and the minor child(ren) _____ is not known and
(name(s))
cannot be ascertained by reasonable efforts. I have filed the
required affidavit with this Court.

NAME (movant)

STATE OF TENNESSEE
COUNTY OF _____

I, _____, affirm that the information in the
(Movant)
foregoing Motion to Terminate Income Assignment is true to the best of
my knowledge, information and belief.

MOVANT

Sworn to and subscribed before me this _____ day of
_____, 19__.

NOTARY PUBLIC/DEPUTY CLERK

My commission expires: _____

Certificate of Service

I certify that a copy of this motion was given or mailed to each
of the parties on the _____ day _____, 19__, at _____m.
_____, 19__, at _____m.

CLERK

(b) The following form shall be used to notify the parties of a
determination on termination of income assignment:

IN THE _____ COURT OF _____ COUNTY, TENNESSEE

_____ ,)	
)	
Petitioner)	
)	
vs.)	No. _____
)	
_____ ,)	
)	
Respondent)	

ORDER AND NOTICE OR TERMINATION OF INCOME ASSIGNMENT

TO _____ Obligor Parent
 _____ Obligee Parent
 _____ Employer, Person, Corporation, or Institution

Notice is hereby given to you, _____,
 that the Referee has ruled that (check appropriate section):

A. _____ (1) due to the (check appropriate section):

_____ (a) death of the minor child(ren), _____, on
 _____ (names(s))
 the _____ day of _____, 19____, at
 _____ (city) _____ (state) _____.

_____ (b) marriage of the minor child(ren), _____, on
 _____ (name(s))
 the _____ day of _____, 19____, at
 _____ (city) _____ (state) _____.

_____ (c) majority, and that as required by Section 34-1-101
 _____ (name(s))
 _____ day of _____, 19____.

_____ (d) parental rights of _____ to
 _____ (obligor parent)
 _____ (children) were terminated by order of the
 Court of _____ County, _____ on
 the _____ day of _____, 19____.

_____ (e) the whereabouts of the obligee parent,
 _____ (name) _____, and the child(ren),
 _____ (name(s)) _____, to whom support is owed are

unknown and cannot be ascertained by reasonable efforts.

____ (2) that the support obligation of _____ (Movant) has ceased and that income withholding shall be terminated as of the _____ day of _____, 19____. Notice will be sent to _____ on the next working day of this office, the _____ day of _____, 19____. They are obligated to terminate income withholding within fourteen (14) days after receipt of this notice. The Clerk of the Court shall direct any payments received after the _____ day of _____, 19____, to _____.

____ B. due to the _____ of (reason for termination) _____ the child support obligation (name of child) of _____ has ceased. You are directed to terminate the deduction of child support from the income of _____ in the amount of \$ _____ per _____. You are obligated to terminate income withholding within fourteen (14) days after receipt of this notice.

____ C. the child support obligation of _____ to _____ has not ceased and income (child(ren)s name) withholding shall continue.

IT IS SO ORDERED.

Entered this _____ day of _____, 19____.

REFEREE

Served on the _____ day of _____, 19____, by mailing copies to _____, at _____, (address), and _____ at _____ (address).

CLERK

(c) The following form or other forms containing all of the information herein shall be used for the obligor to make affidavit of efforts to ascertain the whereabouts of an obligee parent.

IN THE _____ COURT OF _____ COUNTY, TENNESSEE

Petitioner

)
)
)
)

vs. _____) No. _____
 _____)
 Respondent _____)

OBLIGOR'S AFFIDAVIT

STATE OF TENNESSEE)
 COUNTY OF _____)

_____, being first duly sworn, affirms that
 the following reasonable efforts to locate _____ and
 _____ (obligee parent)
 have been made without obtaining a current
 (child(ren)'s name)
 address for _____:

1. That upon the return of support payments equal to the amount due within one month a letter on the _____ day of _____, 19____, was mailed to obligee parent's last known address requesting a new mailing address.
2. That a check of the telephone directory and directory assistance was made on the _____ day of _____, 19____, for listing of _____.
 (the obligee parent)
3. That _____ last attorney of record, for the obligee parent, was contacted on the _____ day of _____, 19____, and an inquiry was made as to whether a forwarding address of obligee parent could be provided.
4. That obligee parent's last known place of employment, _____, was contacted on the _____ day of _____, 19____, and an inquiry was made as to whether a forwarding address is on file.
 (name of employer)
5. That the Department of Human Services was contacted on the _____ day of _____, 19____, and has advised that its records do not provide a current address of the obligee parent.
6. There are no arrearages owned to the State of Tennessee due to the obligee parent's receipt of public assistance.
7. I have contacted the following persons seeking information about the whereabouts of the above named persons:

<u>Name</u>	<u>Relationship</u> <u>(aunt, parent, etc.)</u>	<u>Information</u>	<u>Given</u>

8. I do not know how to contact any relatives or friends of the obligee parent or child(ren).
9. I have no knowledge of the whereabouts of the obligee parent of child(ren) and know of no othe means to try to locate them.

(MOVANT)

Sworn to and subscribed before on the _____ day of _____, 19__.

NOTARY PUBLIC/CLERK

My commission expires: _____

SECTION 15. The following sections of TCA are amended by adding the following language:

36-5-209(b). "(3) In addition, in all proceedings hereunder in which the ultimate issue is the paternity of a child, jurisdiction shall also be vested in juvenile courts of this state."

36-5-220(c). "The provisions of TCA Section 36-5-401 et seq. and TCA Section 50-2-105 shall apply in these proceedings."

36-5-229(6). "The provisions of TCA Section 36-5-401 et seq. and TCA Section 50-2-105 shall apply to these proceedings."

36-5-317. "The provisions of TCA Section 36-5-401 et seq. and TCA Section 50-2-105 shall apply to these proceedings."

39-4-110. "And also the provisions of TCA Section 36-5-401 et seq. and TCA Section 50-2-105 shall apply to any order of support."

36-2-108(c). "The provisions of TCA Section 36-5-401 et seq. and Section 50-2-105 shall apply to any order of support issued."

36-2-203. "The Court may also issue a child support order to be paid when appropriate and the provisions of TCA Section 36-5-401 et seq. and Section 50-2-105 shall apply to any order of support."

Section 16. TCA Section 37-1-104(d) is amended by adding the following language to the end of the existing language. Provided, however, that in any political subdivision or judicial district of the state in which a court by contract is the agency designated to provide child support enforcement pursuant to Title IV-D of the Social Security Act, and if a judge with child support jurisdiction in that political subdivision or judicial district agrees, the contracting court shall have jurisdiction in any case in such judge's court in which an application is made for assistance in obtaining support under provisions of this part. Upon application being made for child support enforcement assistance as provided by law, the contracting court shall assume jurisdiction and it shall be the duty of the Court Clerk to so notify the Clerk of any court having prior jurisdiction. The contracting court shall then proceed to make and enforce such orders of support as it deems proper within its jurisdiction pursuant to said agreement. Provided, however, that the contracting court shall not have jurisdiction in any case in which an absent parent is in full compliance with a support order of another court.

SECTION 17. TCA Section 36-5-101(c) is amended by deleting the words "provided such court shall have divorce jurisdiction".

SECTION 18. TCA Title 36, Chapter 5, Part 1 is amended by adding the following new section: "Section 36-5-106 Release of Information Regarding Overdue Support . (a) Any person, court, agency, or other entity, whether public or private may release information in its custody regarding the amount of overdue support owed by an obligor parent residing in the state to any consumer reporting agency (as defined in Section 603 (f) of the Fair Credit Reporting Act) upon the request of such agency.

(b) Such information may be released only pursuant to procedures, established by the entity holding the information, under which the obligor parent is sent notice of the proposed action and is given a reasonable opportunity to contest the accuracy of the information before it is released.

(c) Any entity furnishing such information may charge a reasonable fee therefor, not to exceed the actual cost incurred in furnishing the information."

SECTION 19. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 20. The provisions of this act are declared to be remedial in nature and all provisions of this act shall be liberally construed to effectuate its purpose.

SECTION 21. The provisions of this Act shall become effective

October 1, 1985, except that the provisions of SECTION 13 under TCA Section 36-5-402 requiring the appointment of referees shall become effective July 1, 1986, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 289 by adding the following new sentence between the first and second sentences of subsection (a)(1) of Section 36-5-402 of Section 13 as amended:

Provided, however, in counties having a metropolitan form of government the referee or referees shall be appointed by and serve at the pleasure of the trial court judge who hears more than fifty percent (50%) of the child support and domestic relations cases in such judicial district.

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 289 by adding the following to the end of subsection (j) of Section 36-50405 of Section 13 as amended:

Provided, however, when a party is unable to pay the filing fee, such party shall be required to take and subscribe to in writing the pauper's oath set out in Tennessee Code Annotated, Section 20-12-127, and such affidavit shall be attached to such party's petition.

On motion, the amendment was adopted.

Mr. Turner, C. (Shelby) moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 289 by deleting the existing language in Section 5 in its entirety and by substituting instead the following:

SECTION 5. Tennessee Code Annotated, Section 36-5-101 (a)(1) is amended by deleting it in its entirety and substituting instead:

Whether the marriage is dissolved absolutely, or a perpetual or temporary separation is decreed, the court may make an order and decree for the suitable support and maintenance of either spouse by the other spouse, or out of

his or her property, and of the children, or any of them, by either spouse or out of such spouse's property, according to the nature of the case and the circumstances of the parties, the order or decree to remain in the court's control; and, on application of either party, the court may decree an increase or decrease of such allowance only upon a showing of a substantial and material change of circumstances. Any such modification of an allowance shall be made retroactively only upon a specific written finding that the obligor was unable to pay the full amount of such allowance through no intentional fault of his or her own and that the facts of the case require such a modification retroactively in order to meet the end of justice. The court shall set a specific amount which is due in each month to be paid in one (1) or more payments as the court directs.

by deleting the existing language in the first sentence of Section 6 in its entirety and by substituting instead the following:

SECTION 6. Tennessee Code Annotated, Section 36-5-101 (a) (4) is amended by deleting it in its entirety and substituting instead.

"The order or decree of the court may provide that support payments be paid to the clerk of the court to be distributed as the court orders, provided however, that all support payments on Title IV-D cases shall be paid to the clerk of the court."

AND FURTHER AMEND by deleting the last sentence of Section 6 and by substituting instead the following:

All orders of child support whether entered before or after the effective date of this act, shall be enforceable by wage assignment as provided in Section 36-5-501.

In the event there is a delinquency as provided in 36-5-501 (b), there shall be no necessity of a court order expressly authorizing a wage assignment.

by deleting from subsection (1) of the amendatory language of Section 14 the words and punctuation "service, if fees are charged for other voluntary deductions" and substituting instead the word "service".

by adding the following new sentence after the words and punctuation "FICA and withholding taxes." at the end of the second paragraph of subsection (c) of Section 36-5-502 of Section 14:

On the ____ day of ____, the accumulated arrearage and/or cost having been satisfied, reduce the amount of income deduction to ____ per ____.

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 289 by deleting the first sentence of subsection (a) (1) of Section 36-5-402 of Section 13 as amended and substituting instead the following:

The presiding judge of each judicial district, after conferring with the other judges and chancellors of his judicial district shall recommend to the chief justice and the executive secretary of the Supreme Court the number of referees to serve each county in the district. The chief justice and the executive secretary of the Supreme Court shall determine the number of referees for each such district, and the referees shall be appointed by the presiding judge.

In determining the number of referees for each district, the chief justice and the executive secretary shall provide for as many referees as are needed to provide hearings in all child support cases within a reasonable period of time, not to exceed thirty (30) days after service of process.

AND FURTHER AMEND by deleting in its entirety subsection (c) of Section 36-5-402 of Section 13 as amended and by redesignating the remaining parts.

On motion, the amendment was adopted.

Mr. Dills moved to amend as follows:

AMENDMENT NO. 6

Amend House Bill No. 289 by adding the following language to the end of the amendatory language of Section 5:

Unless the court finds otherwise, each order made under this section shall contain the current address of the parties.

On motion, the amendment was adopted.

Ms. Williams moved to amend as follows:

AMENDMENT NO. 7

Amend House Bill No. 289 by deleting the first amendatory sentence of Section 6 as amended and substituting instead the following:

The order or decree of the court may provide that the

payments for the support of such child or children shall be paid either to the clerk of the court or direct to the spouse or other person awarded the custody of the child or children. The court shall order that all support payments of Title IV-D cases shall be paid to the clerk of the court. All support payments which have been paid to the clerk of the court shall be distributed within ten (10) working/days as the court orders.

On motion, the amendment was adopted.

Mr. Naifeh moved to amend as follows:

AMENDMENT NO. 8

Amend House Bill No. 289 by adding a new section immediately before the severability clause section as follows:

In the event that pursuant to federal requirements the Department of Human Services adopts a plan requiring political subdivisions to pass incentive payments through to agencies actually participating in the IV-D Program, any incentive payment made to a political subdivision which the Department designates to be passed through to such an agency shall be appropriated by the political subdivision to the use and benefit of the designated agency.

FURTHER AMEND by renumbering the sections accordingly.

On motion, the amendment was adopted.

Thereupon, House Bill No. 289, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensey, Gafford, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --94.

Representative present and not voting was: Moore (Sullivan)--1.

A motion to reconsider was tabled.

Mr. Speaker McWherter resumed the Chair.

House Bill No. 495--To define and develop treatment program, child sexual abuse.

Mr. Covington moved that House Bill No. 495 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 495 by deleting Amendment No. 5 in its entirety and substituting in lieu thereof the following:

"Tennessee Code Annotated, Section 37-1-403 is amended by adding a new subsection to read as follows:

"Every physician or other person who makes a diagnosis of, or treats, or prescribes for any venereal disease set out in T.C.A. Section 68-10-101, or venereal herpes and chlamydia, in children 13 years of younger, and every superintendent or manager of a clinic, dispensary or charitable or penal institution, in which there is a case of any of the diseases, as set out in this paragraph, in children thirteen (13) years of age or younger shall report the case immediately, in writing on a form supplied by the State Department of Health and Environment to the State Department of Health and Environment. If the reported cases are confirmed and if sexual abuse is suspected, the State Department of Health and Environment will report the case to the State Department of Human Services. The State Department of Human Services will be responsible for any necessary follow-up."

by deleting the word "that" in the fourth line of subsection (1) of Section 3 and by substituting instead the words "whether or not such act".

AND FURTHER AMEND by deleting the words "responsible adult" in subsection (10) of Section 3 and substituting instead the words "licensed attorney".

AND FURTHER AMEND by deleting the words and figures "September 1, 1985" from the first paragraph of subsection (a) of Section 4 and substituting instead the words and figures "January 1, 1986. Provided, however, the curriculum materials required to be developed in subsection (b)(3) shall be ready for implementation by September 1, 1985."

AND FURTHER AMEND by inserting the words "and the State Board of Education" after the words "department of education" in the first line of the second paragraph of subsection (a) of Section 4 and the first line of subsections (b)(2) and (b)(3) of Section 4.

AND FURTHER AMEND by deleting the words "to prevent a prevention program to the children enrolled in and cared for by such agencies" from the 18th through 20th lines of subsection (b)(1)(A) of Section 4 and substituting instead the words "to require that all such agencies present a prevention program to the children enrolled in and cared for by the agency. Licensing staff shall provide training to such agencies if needed to assist them in presenting such a program and shall review and approve the materials to be presented."

AND FURTHER AMEND by adding a new subsection (8) to Section 6 to read as follows: "(8) neighbor, relative, friend, or any other person,".

AND FURTHER AMEND by deleting the existing language in subsections (b)(1) and (2) of Section 6 in its entirety and by substituting instead the following: "Each report of known or suspected child sexual abuse pursuant to this section shall be made immediately to the local office of the department responsible for the investigation of reports made pursuant to this section or to the judge having juvenile jurisdiction or to the office of the sheriff or the chief law enforcement official of the municipality where the child resides."

"(2) If a law enforcement official or judge becomes aware of known or suspected child sexual abuse, through personal knowledge, receipt of a report or otherwise, such information shall be reported to the department immediately and the child protective team shall be notified to investigate the report for the protection of the child in accordance with the provision of this act. Further criminal investigation by such official shall be appropriately conducted."

AND FURTHER AMEND by deleting subsection (d)(4) of Section 6 in its entirety and by substituting instead the following: All reports of child sexual abuse received by local departments and local law enforcement agencies shall be reported to the central registry within three (3) working days of the receipt of such report.

AND FURTHER AMEND by deleting the words "one (1) juvenile court investigator from a court of competent jurisdiction, and one (1) properly trained law enforcement officer from the jurisdiction" from the second paragraph of subsection (a) of Section 8 and by substituting instead the words "one (1) juvenile court officer or investigator from a court of competent jurisdiction, and one (1) properly trained law enforcement officer with countywide jurisdiction from the county."

AND FURTHER AMEND by deleting the first two sentences of subsection (c)(4) of Section 8 in its entirety and by substituting instead the

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following: (4) Short-term psychological treatment. It is the intent of the legislature that the department provide or refer a child whose case has been classified as indicated, and said child's family, for short-term psychological treatment before the department may close its case.

AND FURTHER AMEND by deleting the period "(.)" after the words "status of the child" in the last lines of subsection (c) (6) of Section 8 and by substituting instead the following: "whenever possible and within the same geographic area."

AND FURTHER AMEND by inserting the words "until the next regular week day session of the juvenile court" between the words "custody" and "without the consent of the parents" in the third line of the second paragraph of Section 9 and by deleting the words and figures "twenty-four (24) hours", in the 19th line of said paragraph and by substituting instead the words "the next regular week day session of the juvenile court".

AND FURTHER AMEND by adding a new section to be numbered to read as follows:

Tennessee Code Annotated, Section 37-1-152 is amended by adding a new subsection to read as follows:

(c) On application of the department or the child protection team as defined in Part 4 of this chapter, the court may make a no contact order for the removal of a suspected perpetrator of child sexual abuse from the home where the child resides and from all further contact with the child if the court finds that there is probable cause to believe that such person committed and act of child sexual abuse as defined in Part 4 of this chapter. Such an order does not relieve such person from his legal duty to provide financial support for his family. The court may imprison any person violating such an order for up to one (1) year for contempt of court, or the court may fashion such other remedy as it finds appropriate for the protection of the child. If the court determines that there is an immediate threat of harm to the child, the court may issue a no contact order as provided in subsection (b), otherwise it shall provide that due notice of the application and the grounds therefor and an opportunity to be heard thereon have been given to the person against whom the order is directed.

AND FURTHER AMEND by deleting the words "and in which a parent or parents have been convicted or have pleaded guilty to an offense which constitutes child sexual abuse, the parent or parents shall reimburse the court" from the second paragraph of Section 11 and by substituting instead the following: "the court may order such parent or parents to

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reimburse the court to the extent of insurance coverage, provided however, the court shall order the perpetrator in all cases whether such person is a parent or other person to fully reimburse the court for such expenses."

AND FURTHER AMEND by deleting the existing language in subsection (b) of Section 13 in its entirety and by substituting instead the following: (b) Except as otherwise provided in this part, it shall be unlawful for any person, except for purposes directly connected with the administration of this part, to disclose, receive, make use of, authorize or knowingly permit, participate in, or acquiesce in the use of any list or the name of, or any information concerning a report or investigation of a report of harm under this part, directly or indirectly derived from the records, papers, files or communications of the state department of human services or divisions thereof acquired in the course of the performance of official duties.

AND FURTHER AMEND by inserting a new subsection (c) to read as follows in Section 13, and by redesignating subsequent sections accordingly: Access to such records, excluding the name of the reporter which shall be released only as provided in subsection (g), shall be granted to the following persons, officials, or agencies, or agencies for the following purposes:

(1) A law enforcement agency investigating a report of known or suspected child sexual abuse,

(2) The district attorney of the judicial district in which the child resides or in which the alleged abuse occurred,

(3) A grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business,

(4) Any person engaged in bona fide research or audit purposes. However, no information identifying the subjects of the report shall be made available to the researcher unless such information is absolutely essential to the research purpose, suitable provision is made to maintain the confidentiality of the data and the department has given written approval.

AND FURTHER AMEND by deleting Section 14 in its entirety and by substituting instead the following: Any person making a report of child sexual abuse shall be afforded the same immunity and shall have the same remedies as provided by Section 37-1-410 for other persons reporting harm to a child. Any other person, official, or institution participating in good faith in any act authorized or required by this act shall be immune from any civil or criminal liability which might otherwise result by reason of such action.

AND FURTHER AMEND by inserting the words "or the judge" between the words "Only the attorneys" and "may question the child." in the third sentence of that subsection (d) of Section 18.

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AND FURTHER AMEND by inserting the words "or of their own children" between the words "against such child" and "that would constitute" in the thirteenth line of the amendatory language of Section 22 and by deleting the period after "39-6-1139" and by adding the following language at the end of Section 22: ", and that the grandparents would adequately protect the child from further abuse or intimidation by the perpetrator or any other family member. The provision of this section shall not apply in any case in which the child has been adopted by any person other than a stepparent or other relative of the child."

AND FURTHER AMEND by deleting the words and figures "under the age of thirteen (13) wherever it appears in Sections 23, 24, and 25 and by substituting instead the words and figures "under the age of eighteen (18)".

AND FURTHER AMEND by adding the following additional provisions to Section 27 to be appropriately numbered:

() The department shall also notify the prospective employer if it determines that such information has been falsified on the application.

() It shall be unlawful for any person to falsify any information required on the application. Knowingly failing to disclose required information shall be deemed to be falsification to the same extent as providing false information.

AND FURTHER AMEND by inserting the words "victims, and their families," after the words "sexual offenders," in the fifth line of Section 38.

AND FURTHER AMEND by deleting the period after the word "year" in the last line of Section 38 and by adding the following: "to the extent funds are specifically appropriated therefor."

AND FURTHER AMEND by inserting the words "to the extent funds are specifically appropriated therefor" after the words "providing" in the fourth line of subsection (c) of Section (8).

AND FURTHER AMEND by deleting the words "department of mental health and retardation" from the 14th and 15th lines in subsection (b) (1) of Section 4 and inserting the words "the department of mental health and retardation" between the words "representatives from" and "the children's services" in the 3rd line of said subsection.

AND FURTHER AMEND by inserting the words "but is not limited to" between the word "includes" and "the child's" in the second line of subsection (c) of Section 3.

AND FURTHER AMEND by inserting the words "upon subpoena of the Tennessee Bureau of Investigation" between the words "district attorney" and "without the written consent" in the fifth line of subsection (f) of Section 13.

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AND FURTHER AMEND by deleting Section 31 in its entirety and substituting instead the following:

Tennessee Code Annotated, Section 37-1-147(d) is amended by adding a new subsection to be appropriately numbered to read as follows: "The parent has been found to have committed one or more acts of aggravated rape against a child under the age of thirteen (13) years. The District Attorney or any other person may initiate proceedings pursuant to this subsection."

AND FURTHER AMEND by deleting Section 32 in its entirety and by substituting instead the following:

Tennessee Code Annotated, Section 37-1-402(a) is amended by adding the following sentences at the end of the existing language: "Any person, including judges of all courts of this state, who knows or has reasonable cause to suspect that a child has been sexually abused shall report such information in accordance with this act relative to the sexual abuse of children, regardless of whether such person knows or believes that the child has sustained any apparent injury as a result of such abuse."

AND FURTHER AMEND by inserting the last four lines of Section 33 in their entirety and by substituting instead the following: "may take such action as he deems appropriate including petitioning the court for removal of the child or termination of parental rights in accordance with Part I of this Chapter."

AND FURTHER AMEND by deleting the word "shall" in the next to the last line of Section 34 and by substituting instead the words "or the district attorney may".

AND FURTHER AMEND by inserting the words "by the district attorney general" after the words "report shall be filed" in the third sentence of the first paragraph of subsection (a)(6) of Section 7.

On motion, the amendment was adopted.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 495 by adding a new subsection to Section 3 to be appropriately designated to read as follows:

() For the purposes of the reporting, investigation, and treatment provisions of Sections 4 - 16 of this act, child sexual abuse shall also mean the commission of any act specified in subsection (1) of this Section against a child thirteen (13) years of age through seventeen (17) years of age if such act is committed against the child by a parent, guardian, relative,

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person residing in the child's home, or other person responsible for the care and custody of the child.

On motion, the amendment was adopted.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 495 by deleting the existing language in subsection (8) (B) of section 3 in its entirety and by substituting instead the following:

(B) Exploits a child under the age of eighteen (18), or allows such child to be exploited, as provided in Sections 39-6-1131 through 39-6-1139.

AND FURTHER AMEND by adding a new section to be appropriately numbered to read as follows:

Section ____ (1) Tennessee Code Annotated, Section 37-1-403(a) is amended by deleting the words "Any person" from the beginning of the subsection and by substituting instead the following: "Any person, including but not limited to, any.

(a) Physician, osteopath, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;

(b) Health or mental health professional other than one listed in paragraph (1);

(c) Practitioner who relies solely on spiritual means for healing;

(d) School teacher or other school official or personnel;

(e) Judges of all courts of the state;

(f) Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker;

(g) Law enforcement officer, who knows or has reasonable cause to suspect, that a child has been sexually abused shall report such knowledge or suspicion to the department in the manner prescribed in subsection (b); or

(2) Tennessee Code Annotated, Section 37-1-403 is further amended by inserting new paragraphs (d), (e), and (f) to read as follows:

(d) If a law enforcement official or judge becomes aware of

known or suspected child abuse, through personal knowledge, receipt of a report, or otherwise, such information shall be reported to the department immediately and where appropriate the child protective team shall be notified to investigate the report for the protection of the child in accordance with the provisions of this part. Further criminal investigation by such official shall be appropriately conducted in coordination with the team or department to the maximum extent possible.

(e) Any person required to report or investigate cases of suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse shall report his suspicion to the appropriate medical examiner. The medical examiner shall accept the report for investigation and shall report his findings, in writing, to the local law enforcement agency, the appropriate district attorney, and the department. Autopsy reports maintained by the medical examiner shall not be subject to the confidentiality requirements provided for in Section 37-1-409.

(f) Reports involving known or suspected institutional child sexual abuse shall be made and received in the same manner as all other reports made pursuant to this Act relative to the sexual abuse of children.

(3) Tennessee Code Annotated, Section 37-1-408 is amended by deleting the existing language in Subsection (e) in its entirety and by substituting instead the following and by adding new paragraphs (b) and (c) as follows:

(a) The department shall establish and maintain a state central child abuse registry which shall contain the name, address and age of each child reported under section 37-1-403, the nature of the harm reported, and the name and address of the alleged perpetrators of any act which would constitute severe child abuse. Each county office of the department shall maintain a county central registry containing the same information with respect to children reported in the county. The registry shall receive oral or written reports made pursuant to this section. The registry shall be operated in such a manner as to enable the department to:

- (1) Immediately identify and locate prior reports or cases of child abuse;
- (2) Regularly evaluate the effectiveness of the department's program for abused children through the development and analysis of statistical and other information;
- (3) Reclassify a child as the victim of child abuse upon receiving information of known or suspected child abuse;

(b) All reports of child abuse received by local offices of the department shall be reported to the central registry within three (3) working days of the receipt of such report. Upon receipt of an oral or written report of known or suspected child abuse, the registry shall immediately notify the local office of the department with respect to the report, any previous report concerning a subject of the present report, and any other pertinent information relative thereto.

(c) Upon completion of the investigation, each report shall be classified as "indicated" or "unfounded", and the registry shall be notified accordingly. All identifying information regarding unfounded reports contained in the registry or other computer systems or records shall be expunged within thirty (30) days after the case is classified as unfounded. All identifying information regarding indicated reports shall be maintained as follows:

(1) information regarding the perpetrator shall be maintained permanently;

(2) information regarding the child shall be maintained until the child reaches eighteen (18) years of age or until the child is no longer receiving foster care or protective services from the department, whichever is later. Provided, however, if such child has younger siblings such information may be maintained until such younger siblings reach eighteen (18) years of age or are no longer receiving foster care or protective services from the department, whichever is later if the department has reasonable cause to believe retention of such information may be necessary for the protection of such siblings.

All information which is expunged from the registry shall be disposed of in a manner deemed appropriate by the department. Nothing in this section is intended to require the expunction or destruction of case records or information required by the federal government to be retained for future audit.

(4) Tennessee Code Annotated, Section 37-1-408 is further amended by redesignating subsection 37-1-408 (b) as Section 37-1-408 (d) and is further amended by deleting subsection (2) in its entirety and by renumbering subsequent subsections accordingly.

AND FURTHER AMEND by adding a new section to be appropriately numbered to read as follows:

Section ____ . Tennessee Code Annotated, Section 37-1-405 (b) (2) and 37-1-406 are amended by deleting the existing language in said sections in its entirety and substituting instead the following:

37-1-405 (b) (2). If the case appears to involve severe child abuse as defined in section 37-1-102 (19), including child sexual

abuse, the county director of the department shall immediately notify and consult with the district attorney general where the harm occurred and the district attorney may take such action as he deems appropriate. Whenever there are multiple investigations, the department, the district attorney, law enforcement, and where applicable, the child protection team shall coordinate their investigations to the maximum extent possible so that interviews with the victimized child shall be kept to an absolute minimum. Reference to the audio or videotape or tapes made by the child protection team or department should be utilized whenever possible to avoid additional questioning of the child.

37-1-406. (a) The department shall be capable of receiving and investigating reports of child abuse twenty-four (24) hours a day, seven (7) days a week. The county office of the department shall make a thorough investigation promptly after receiving either an oral or written report of harm. If it appears that the immediate safety or well being of a child is endangered, that the family may flee or the child will be unavailable, or that the facts otherwise warrant, the department shall commence an investigation immediately, regardless of the time of day or night. In the event the report involves child sexual abuse and an immediate investigation is not required by the preceding sentence, the department shall follow the procedures outlined in subsection (b) below.

(b) In cases involving child sexual abuse, the investigation shall be conducted by a child protective investigation team as defined in this Act relative to child sexual abuse. In the event an immediate investigation has been initiated, the department shall notify the child protection team as soon as possible and the team shall conduct as much of the investigation as possible. Other cases of child abuse may be investigated by the team in the discretion of each individual team.

(c) All state, county, and local agencies shall give the department or the team access to records in their custody pertaining to the child and shall otherwise cooperate fully with the investigation.

(d) The investigation shall include the nature, extent, and cause of the harm including a determination of whether there exists a threat of harm, and the nature and extent of any present or prior injuries or abuse; the identity of the person responsible for it; the names and conditions of the other children in the home; and evaluation of the parents or persons responsible for the care of the child, the home environment, and the relationship of each child to the parents or persons responsible for their care; the identity of any other persons in the same household; and the identity of any other children in the care of any adult residing in the household; and all other pertinent data.

(e) The investigation shall include a visit to the child's home, an interview with and physical examination of the child, and an

interview with the parent(s) or other custodian of the child and any other persons in the child's home. If the investigator deems it necessary, the investigation shall also include psychological or psychiatric examinations of the child and/or physical and/or psychological or psychiatric examinations of any other children in the home. If the investigator determines, based on a visit to the child's home, observation of and interview with the subject child, and interview with other persons in the child's home, that the report of harm was wholly without substance, the investigator may determine that physical and psychological examinations of the subject child are unnecessary, in which case they will not be required. If admission to the home, school, or any place where the child may be, or permission of the parents or persons responsible for the child's care for the physical and psychological or psychiatric examinations cannot be obtained, the juvenile court, upon cause shown, shall order the parents or person responsible for the care of the child or the person in charge of any place where the child may be, to allow entrance for the interview, above examination, and investigation.

(f) Any person required to investigate cases of child abuse may take or cause to be taken photographs of the areas of trauma visible on a child who is the subject of a report and of any objects or conditions in the child's home or surroundings which could have caused or contributed to the harm to the child. If the nature of the child's injuries indicate a need for immediate medical examination or treatment, the investigator may take or cause the child to be taken for diagnosis to a licensed physician or an emergency department in a hospital without the consent of the child's parents, legal guardian, or legal custodian. Any licensed physician who has reasonable cause to suspect that an injury was the result of child abuse may authorize appropriate examinations to be performed on the child without the consent of the child's parent, legal guardian, or legal custodian.

(g) At the initial investigation of child abuse and at any subsequent investigation as deemed appropriate by the investigator, audio or videotape recording may be taken of the traumatized victim. Such tape shall be admissible as evidence in cases of child sexual abuse if it meets the standards established in Title 24 for the use of recorded statements. Regardless of whether such recording is used in evidence, it shall be made available for use as provided in Section 37-1-405(b)(2).

(h) The investigator shall interview the child outside the presence of the parent(s) or other persons allegedly responsible for the harm and wherever possible, shall interview the child in a neutral setting other than the location where the alleged abuse occurred.

(i) No later than thirty (30) days after receiving the initial report, the department or team shall determine whether the reported abuse was indicated or unfounded and report its findings to the department's abuse registry. Each member of the team shall be provided with a copy of the report in any case investigated by the team. In any case investigated solely by the department, the

department shall make a complete written investigation report, including its recommendation to the juvenile court. The district attorney general shall also be provided a copy of any report in all cases where the investigation determines that the report was indicated. Further proceedings shall be conducted pursuant to Part 1 of this chapter, as appropriate.

(j) If the department or team determines that the protection of the child so requires, the department shall provide or arrange for services necessary to prevent further abuse, to safeguard and enhance the welfare of children, and to preserve family life. Such services may include provision for protective shelter, to include room and board; medical and remedial care; day care; homemaker; caretaker; transportation; counseling and therapy; training courses for the parents or legal guardian; and arranging for the provision of other appropriate services. All such services shall be provided when appropriate within the limits of available resources. These services shall first be offered for the voluntary acceptance by the parent or other person responsible for the care of the child unless immediate removal is needed to protect the child. At any point if the department or team deems that the child's need for protection so requires, it may proceed with appropriate action under Part 1 of this chapter.

(k) If the investigator, as a result of the investigation, determines that there is cause to classify the report of severe abuse as indicated rather than unfounded, the department may recommend that criminal charges be filed against the alleged offender. Any interested person who has information regarding the offenses may forward a statement to the district attorney as to whether they believe prosecution is justified and appropriate. Within fifteen (15) days of the completion of his investigation of a report of severe abuse, the district attorney shall advise the department whether or not prosecution is justified and appropriate in his opinion in view of the circumstances of the specific case.

AND FURTHER AMEND by deleting Subsection (a)(3), (a)(4), (a)(5), (b)(1), and (b)(2), of Section 7 in their entirety and by substituting instead the following: (3) The investigation shall be conducted by the child protection team in accordance with the requirements of Section 37-1-406.

AND FURTHER AMEND by adding a new section to be appropriately numbered to read as follows:

Section ____ . Tennessee Code Annotated is amended by adding the following language at the end of subsection (a) of Section 37-1-409: Except as may be ordered by the juvenile court as herein provided, the name of any person reporting child abuse shall not be released to any person other than employees of the department responsible for child protective services, the abuse registry, or the appropriate district attorney upon subpoena of the Tennessee Bureau of Investigation without the written consent of the person reporting. Such person's

identity shall be irrelevant to any civil proceeding and shall, therefore, not be subject to disclosure by order of any court. This shall not prohibit the subpoenaing of a person reporting child abuse when deemed necessary by the district attorney or the department to protect a child who is the subject of a report, provided that the fact that such person made the report is not disclosed.

On motion, the amendment was adopted.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 495 by deleting the amendatory language in Section 26 in its entirety and substituting in lieu thereof the following:

"Tennessee Code Annotated, Section 37-1-403 is amended by adding a new subsection to read as follows:

"Every physician or other person who makes a diagnosis of, or treats, or prescribes for a case of venereal disease, including venereal herpes and chlamydia, in children 13 years or younger, and every superintendent or manager of a clinic, dispensary or charitable or penal institution, in which there is a case of venereal disease in children thirteen (13) years of age or younger, including venereal herpes and chlamydia, shall report the case immediately, in writing on a form supplied by the State Department of Health and Environment to the State Department of Health and Environment and the State Department and of Human Services. The Department of Human Services will be responsible for any necessary follow-up."

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 495 by deleting Amendment No. 5 in its entirety and substituting in lieu thereof the following:

"Tennessee Code Annotated, Section 37-1-403 is amended by adding a new subsection to read as follows:

"Every physician or other person who makes a diagnosis of, or treats, or prescribes for any venereal disease set out in T.C.A. Section 68-10-101, or venereal herpes and chlamydia, in children 13 years or younger, and every superintendent or manager of a clinic, dispensary or charitable or penal institution, in which there is a case of any of the diseases,

as set out in this paragraph, in children thirteen (13) years of age or younger shall report the case immediately, in writing on a form supplied by the State Department of Health and Environment to the State Department of Health and Environment. If the reported cases are confirmed and if sexual abuse is suspected, the State Department of Health and Environment will report the case to the State Department of Human Services. The State Department of Human Services will be responsible for any necessary follow-up."

On motion, the amendment was adopted.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 6

Amend House Bill No. 495 by deleting the words "whether or not such act" in item (1) of Section 3, added by Amendment No. 1 and by substituting instead the word "that".

AND FURTHER AMEND by deleting the words "licensed attorney" in item (10) of Section 3, added by Amendment No. 1, and by substituting instead the words "responsible adult".

AND FURTHER AMEND by inserting the following language at the end of subsection (c) (4) of Section 8, erroneously removed by improper directory language in Amendment No. 1:

Such short term treatment shall be limited to no more than six (6) months duration after treatment is initiated, except that the commissioner may authorize such treatment for individual children beyond this limitation if he deems it appropriate.

AND FURTHER AMEND by deleting the words "in part or in whole", "from the second paragraph of Section 11 and by deleting the period "." after the word "expenses", which was improperly added by Amendment No. 1.

AND FURTHER AMEND by deleting the words "department of mental health and retardation" added to subsection (b) (1) of Section 4 by Amendment No. 1 and by substituting instead the words "department of mental health and mental retardation".

AND FURTHER AMEND to add the following clarifying language to the directory language to the item of Amendment No. 1 which amended subsection (f) of Section 13:

in the original language of the bill prior to the redesignation of the subsections in Section 13 by amendatory section (16) of Amendment No. 1.

AND FURTHER AMEND by deleting the following language added by

amendatory Section (29) of Amendment No. 1 which amended Section 31 of the bill:

"The District Attorney or any other person may initiate proceedings pursuant to this subsection."

and by substituting instead the following language:

The District Attorney or the department of human services may initiate proceedings pursuant to this subsection.

AND FURTHER AMEND by clearly identifying the subsection of Section 3 which is amended by amendatory section (27) of Amendment No. 1 as subsection (6), not subsection (c) which is nonexistent.

AND FURTHER AMEND by deleting the second amendatory section of Section 33 in its entirety, and by inserting the following language at the end of the first sentence of amendatory section (3) of Amendment No. 3 which substituted new language in Tennessee Code Annotated Section 37-1-405 (b) (2):

including petitioning the court for removal of the child or termination of parental rights in accordance with Part I of this chapter

AND FURTHER AMEND by deleting Section 34 in its entirety, renumbering subsequent sections accordingly, and by adding the following language as a new subsection (3) to Section 37-1-405 (b) as amended by Amendment No. 3:

(3) If before the investigation is complete, the county office of the department or the local district attorney general determines that immediate removal is necessary to protect the child or other children, or if the district attorney general determines that influence is being exerted on a child victim of sexual abuse to change his or her testimony, the department or the district attorney may proceed under Part I of this chapter.

AND FURTHER AMEND by adding clarifying directory language to amendatory section (6) of Amendment No. 1 which added a new subsection (8) to Section 6, for the proper placement of the new subsection (8) as follows

by deleting the word and punctuation

"(7) Law enforcement officer, who knows" from subsection (a) of Section 8, and by substituting instead the following:

(7) Law enforcement officer,

(8) Neighbor, relative, friend, or any other person, who knows

AND FURTHER AMEND by deleting the language in its entirety added by the first amendatory section of Amendment No. 4 which amended subsection (a) of Section 18 and by substituting instead the following:

Section 18 is amended by reinserting the following language which was erroneously removed by the first amendatory section of Amendment No. 4 and by designating it as follows:

(a) (1) This section applies only to a proceeding in the prosecution of an offense defined in Section 3 of this act as "child sexual abuse" and applies only to the statements or testimony of such child.

Section 18 is further amended by adding the following language to be designated as subsection (a) (2):

(a) (2) This Section shall also apply to any civil proceeding in which the issue of child sexual abuse as defined in this act is an issue and shall apply only to the statements of a child or children under the age of thirteen (13) years who are the victims of such abuse.

AND FURTHER AMEND by deleting the following language from the new section added by amendatory section (2) of Amendment No. 3 which amended Tennessee Code Annotated, Section 37-1-403(a)

(g) Law enforcement officer, who knows or has reasonable cause to suspect, that a child has been sexually abused shall report such knowledge or suspicion to the department in the manner prescribed in subsection (b); or

and by substituting instead the following:

(g) Law enforcement officer,

(h) Neighbor, relative, friend, or any other person;

who knows or has reasonable cause to suspect, that a child has been sexually abused shall report such knowledge or suspicion to the department in the manner prescribed in subsection (b); or

AND FURTHER AMEND by correctly identifying the subsection being deleted in Section 37-1-408 by amendatory section (2) of Amendment No. 3 as Subsection (a) of Section 37-1-408, rather than Subsection (e) of Section 37-1-408, which is non-existent.

AND FURTHER AMEND by deleting the period "." after the word "county" in subsection (a) Section 8 added by amendatory section (9) of Amendment No. 1.

AND FURTHER AMEND by adding the following language at the end of the amendatory language of section 29:

involving child sexual abuse under the provisions of this act

On motion, the amendment was adopted.

Mr. Cobb moved to amend as follows:

AMENDMENT NO. 7

Amend House Bill No. 495 by adding to Section 18, subsection (c), the following first sentence of the last paragraph, the following:

If the testimony of the child is taken under subsections (d) or (e) cross examination of the child shall be done during the video-recording.

AND FURTHER AMEND by deleting subsection (e) of Section 18 in its entirety, and by substituting instead the following:

(e) The court may, on the motion of either party upon showing of significant newly discovered evidence, order that additional testimony of the child be taken, if time and circumstances permit, outside the courtroom and be recorded for showing in the courtroom before the court and the finder of fact in the proceeding in accordance with subsection (d) of this section. If time and circumstance do not permit such additional out of court recording, the court may order the child to testify in court. Such testimony shall be limited to any such significant newly discovered evidence.

(f) Only the video portion of the video recording taken pursuant to subsection (c) of this section shall be admitted into evidence at the criminal trial on the merits or at the recorded deposition taken pursuant to subsection (d) of this section outside the courtroom and recorded for showing in the courtroom before such court and finder of fact. Only such portions of the videotape which do not contain accusatory gestures shall be admitted at such trial.

(g) If the court orders the testimony of a child to be taken under subsections (d) or (e) of this section, the child may not be required to testify in court at the proceeding for which the testimony was taken, unless so ordered pursuant to subsection (e) hereof.

AND FURTHER AMEND by adding the following language as a new section to be appropriately numbered, renumbering subsequent sections accordingly:

Section _____. Tennessee Code Annotated, Title 37, Chapter 1, Part 4, is amended by adding the following language as a new section to be appropriately numbered:

Section _____. False reporting of child sexual abuse -- Penalty. If any person either verbally or by written or printed communication knowingly and maliciously reports, or

causes, encourages, aids, counsels, or procures another to report a false accusation of child sexual abuse, he shall on conviction be punished by imprisonment in the penitentiary not less than one (1) nor more than five (5) years.

On motion House Bill No. 495 was placed at the heel of todays Calendar.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

House Bill No. 390--To exclude certain sales gross receipts tax.

Mr. Rhinehart moved that House Bill No. 390 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 390 by deleting Section 2 in its entirety, and substituting instead the following:

SECTION 2. This act shall take effect July 1, 1986.

On motion, the amendment was adopted.

Thereupon House Bill No. 390, as amended, passed its third and final consideration by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --93.

A motion to reconsider was tabled.

House Bill No. 766--To make certain provisions, motor vehicle division.

Mr. Rhinehart moved that House Bill No. 766 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 766 by inserting in Section 1(d) between the words "highway patrol" and "and any" the words "at a comparable or a higher rank". AND FURTHER AMEND by inserting in Section 1(d) between the words "vehicle enforcement" and "shall be" the words "at the same or a higher rank".

AND FURTHER AMEND by deleting in Section 1(e) the following:

- Sergeants with more than seven (7) years but less than eight (8) years service as a Sergeant shall be at Step 9 of the compensation plan.

and by substituting the following:

- Sergeants with more than seven (7) years but less than eight (8) years service as a Sergeant shall be at Step 8 of the compensation plan.

- Sergeants with more than eight (8) years but less than nine (9) years service as a Sergeant shall be at Step 9 of the compensation plan.

AND FURTHER AMEND by deleting in Section 1(e) the words "CRIMINAL INVESTIGATORS" and substituting the words "MOTOR VEHICLE INVESTIGATORS";

AND FURTHER AMEND by deleting in Section 1(e) the words "CRIMINAL INVESTIGATOR SUPERVISOR" and substituting the words "MOTOR VEHICLE INVESTIGATOR SUPERVISOR";

AND FURTHER AMEND by deleting in Section 1(e) the words "CRIMINAL INVESTIGATOR DIRECTOR" and substituting the words "MOTOR VEHICLE INVESTIGATOR DIRECTOR".

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 766 by deleting Section 3 in its entirety and renumbering subsequent section accordingly.

On motion, the amendment was adopted.

Thereupon, House Bill No. 766, as amended, passed its third

and final consideration by the following vote:

Ayes	94
Noes	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --94.

Representative voting no was: McNally--1.

A motion to reconsider was tabled.

House Bill No. 685--To exempt sale and use tax, factory manufactured structures.

Mr. Severance moved that House Bill No. 685 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 685 by deleting item (1) in the amendatory language of Section 1 in its entirety and by substituting instead the following:

(1) July 1, 1986-June 30, 1987--eighty five percent (85%) of the gross retail sales price of such structure.

AND FURTHER AMEND by deleting item (2) in the amendatory language of Section 1 in its entirety and by substituting instead the following:

(2) July 1, 1987-June 30, 1988--sixty five percent (65%) of the gross retail sales price of such structure.

AND FURTHER AMEND by deleting item (3) in the amendatory language of Section 1 in its entirety and by substituting instead the following:

(3) On and after July 1, 1988-fifty percent (50%) of the gross retail sales price of such structure. As used in this section, "factory-manufactured structure" means a structure as defined in Tennessee Code Annotated, Section 68-36-202(5).

On motion, the amendment was adopted.

Mr. Severance moved that House Bill No. 685 be placed on the Calendar for Tuesday, May 21, 1985, which motion prevailed.

FURTHER CONSIDERATION OF HOUSE BILL NO. 495

House Bill No. 495--To define and develop treatment program, child sexual abuse.

Mr. Cobb renewed his motion to adopt Amendment No. 7, which motion prevailed.

Mr. Covington moved to amend as follows:

AMENDMENT NO. 8

Amend House Bill No. 495 by inserting the following language in Section 5:

(1) Between the words "provide for" and "comprehensive", insert the words "the investigation of child sexual abuse by the child protection team and to provide for";

(2) Between the words "human services" and "in an effort", insert the words "and the office of the district attorney general".

AND FURTHER AMEND by deleting the first sentence of subsection (a)(2) of Section 7, and by substituting instead the following:

For each child sexual abuse report it receives, the department shall immediately notify the child protection investigation team which shall commence an onsite child protective investigation.

AND FURTHER AMEND by deleting from new subsection (a)(3) of Section 7 as amended by Amendment No. 3, the language "the requirements of Section 37-1-406.", and by substituting instead the language "this act..".

AND FURTHER AMEND by inserting in original subsection (a)(6) of Section 7 the words and punctuation "team, the" between the words "notify the" and "appropriate district attorney"; by inserting the word "team" between the words "the child protective" and the word "investigation"; and by inserting the words "the team and" between the words "In all cases," and "the department".

AND FURTHER AMEND by deleting from the first sentence of the second paragraph of original subsection (a)(6) of Section 1 the word "department" and by substituting instead the word "team"; and by adding the words "and the team" in the last sentence of such subsection between the words "the department" and "whether or not".

AND FURTHER AMEND by inserting the words "team or the" in the last sentence of original subsection (b)(3) of Section 7 between the language "Provided, if the" and the word "department".

AND FURTHER AMEND by deleting from the first sentence of subsection (a) of Section 8 the language "develop, maintain, and"; and by deleting the word "lease" from the second sentence of such subsection and by substituting instead the word "least".

AND FURTHER AMEND by deleting from the second sentence of subsection (b) of Section 8 the words "oversight of the investigation teams and for".

AND FURTHER AMEND by deleting from subsection (a)(1) of Section 12 the word and punctuation "intervention,".

AND FURTHER AMEND by deleting the words "an opportunity" from subsection (c)(6) of Section 18, and by inserting the words "a reasonable opportunity".

AND FURTHER AMEND by deleting the words "early release" from the second paragraph of Section 36 and by substituting instead the word "parole".

AND FURTHER AMEND by deleting from subsection (c) of the section which amends Tennessee Code Annotated, Section 37-1-406, as amended by Amendment No. 3 the words "the department".

AND FURTHER AMEND by deleting from subsection (a) of the section which amends Tennessee Code Annotated, Section 37-1-406, as amended by Amendment No. 3 the language "and an immediate investigation is not required by the preceding sentence".

AND FURTHER AMEND by inserting in subsection (i) of the section which amends Tennessee Code Annotated, Section 37-1-406, as amended by Amendment No. 3 the words "in cases of child sexual abuse or the department in all other cases" between the word "team" and the words "shall determine", and in subsection (j) of such section between the word "team" and the word "determines" in the first sentence and between the word "team" and the word "deems" in the last sentence; and in subsection (k) of such section by deleting the word "department" in the first sentence and by substituting instead the words "team in cases of child sexual abuse or the department in all other cases", and by adding the words "or team" in the last sentence between the words "department" and "whether or not".

On motion, the amendment was adopted.

Mr. Davis (Knox) moved to amend as follows:

AMENDMENT NO. 9

Amend House Bill No. 495 by inserting the following language at the end of subsection (a) (2) of Section 7:

The immediate investigation by the child protective team may be suspended for a reasonable period of time in the discretion of the appropriate district attorney general. The department shall have the authority to appeal such suspension to an appropriate court of record.

Mr. Covington moved that Amendment No. 9 be tabled, which motion prevailed by the following vote:

Ayes	61
Noes	29

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Covington, Crain, Curlee, Davidson, Davis (Gibson), DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Hassell, Hillis, Hobbs, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, McCroskey, McNally, Moore (Shelby), Moore (Sullivan), Murphy, Naifeh, Nance, Napier, Phillips, Rhinehart, Ridgeway, Robinson (Hamilton), Shirley, Stallings, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, West, Wheeler, Williams, Winningham, Wix, Work and Yelton --61.

Representatives voting no were: Bewley, Buck, Cross, Davis (Cocke), Davis (Knox), DeBerry, Drew, Harrill, Hurley, Huskey, Lawson, May, McAfee, Miller, Montgomery, Moody, Murray, Peroulas, Robinson (Washington), Scruggs, Severance, Stafford, Tankersley, Treadway, Turner, L. (Shelby), Webb, Whitson, Wolfe and Wood--29.

Mr. Davis (Knox) moved to amend as follows:

AMENDMENT NO. 10

Amend House Bill No. 495 be deleting from the first sentence of Section 11 the words and in general sessions or criminal court at the discretion of the court.

Mr. Covington moved that Amendment No. 10 be tabled, which motion prevailed.

Mr. Davis (Knox) moved to amend as follows:

AMENDMENT NO. 11

Amend House Bill No. 495 by deleting from the first sentence of subsection (a) of Section 8 the language

develop, maintain, and

Mr. Covington moved that the Amendment No. 11 be tabled, which motion prevailed by the following vote:

Ayes	57
Noes	31

Representatives voting aye were: Bell, Bivens, Bragg, Burnett, Byrd, Clark (Sumner), Cobb, Copeland, Covington, Crain, Curlee, Davidson, Davis (Gibson), DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Hassell, Hillis, Hobbs, Ivy, Kent, Kernell, King, Kisber, Love, McCroskey, McNally, Miller, Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Phillips, Rhinehart, Robinson (Hamilton), Robinson (Washington), Shirley, Stallings, Starnes, Tanner, Turner, B. (Hamilton), Turner, C. (Shelby), Ussery, West, Wheeler, Winningham, Wix, Work and Yelton--57.

Representatives voting no were: Bewley, Brewer, Buck, Darnell, Davis (Cocke), Davis (Knox), DeBerry, Drew, Hurley, Huskey, Jared, Jones, Lawson, May, McAfee, Montgomery, Moody, Peroulas, Ridgeway, Scruggs, Severance, Stafford, Swann, Tankersley, Treadway, Turner, L. (Shelby), Webb, Whitson, Williams, Wolfe and Wood--31.

Mr. Covington moved to amend as follows:

AMENDMENT NO. 12

Amend House Bill No. 495 by deleting from the amendatory language of subsection (1) of Section 3 the figures and word "39-6-1137, 39-6-1138, and 39-6-1139" and by substituting instead the figures and word "39-6-1137, and 39-6-1138".

AND FURTHER AMEND by deleting from the amendatory language of subsection (8) (B) of Section 3 the figures and word "39-6-1131 through 39-6-1138" and by substituting instead the figures and word "39-6-1137 and 39-6-1138".

AND FURTHER AMEND by deleting the word "report" from the first sentence of subsection (d) (3) of Section 6.

AND FURTHER AMEND by deleting the figures and word "39-6-1131 through 39-6-1139" from subsections (a) (6) of Section 7, and by substituting instead the figures and word "39-6-1137 and 39-6-1138".

AND FURTHER AMEND by deleting the word "lease" from the first sentence of subsection (a) of Section 8, and by substituting instead the word "least".

AND FURTHER AMEND by deleting from the amendatory language of Sections 21, 22, 23, 24, and 25, the figures and word "39-6-1138, and

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39-6-1139" and by substituting instead the figures and word "and 39-6-1138".

AND FURTHER AMEND by deleting the words "but is not limited to such acts" from the second sentence of item (1) of Section 3.

AND FURTHER AMEND by inserting the following language at the end of original Section 37:

The plan shall be presented in detail to the general assembly and the governor no later than January 31, 1986, for implementation in the 1986-87 fiscal year.

AND FURTHER AMEND by deleting the word "application" in item (4) of the amendatory language of Section 27 which adds a new section to Title 14, Chapter 10, Part 1, and by substituting instead the word "applicant".

AND FURTHER AMEND by inserting the following language in the first sentence of the effective date section between the words "with respect to" and "formulating plans":

authorizing video recordings in appropriate criminal or civil proceedings or investigations and with respect to

AND FURTHER AMEND by inserting the following language at the end of the first sentence of subsection (b) of Tennessee Code Annotated, Section 37-1-406, as amended by Amendment No. 3:

pursuant to the provisions of Section 7 of this act

AND FURTHER AMEND by deleting from the second sentence of subsection (b) of Tennessee Code Annotated, Section 37-1-406, as amended by Amendment No. 3 the words "and the team shall conduct as much of the investigation as possible.", and by substituting instead the words "and the team shall proceed with the investigation in accordance with the provisions of this act."

AND FURTHER AMEND by adding the following language at the end of subsection (f) of Tennessee Code Annotated, Section 37-1-403, as amended by Amendment No. 3:

Investigations of institutional child sexual abuse shall be conducted in accordance with the provisions of Section 7 of this act.

On motion, the amendment was adopted.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 13

Amend House Bill No. 495 by deleting subsection (a) of Section _____

of Section 18 and by substituting instead the following: (a) This Section shall apply also to any civil proceeding in which the issue of child sexual abuse as defined in this Act is an issue and shall apply only to the statements of a child or children under the age of thirteen (13) years who are the victims of such abuse.

AND FURTHER AMEND by deleting the sentence of subsection (c) of Section 18 which reads "If the electronic recording of the oral statement of a child is admitted into evidence under this subsection at a trial on the merits before a court or jury, or pursuant to subsection (d), either party may call the child to testify, and the opposing party may cross-examine the child." and by substituting instead the following: In any criminal proceeding, if an audio or video recording of the oral statement of a child is admitted into evidence under this subsection at a trial on the merits before a court or jury, either party may call the child to testify, and the opposing party may cross-examine the child. In any civil proceeding in which such recorded statement is admitted into evidence, the child shall be competent to testify but shall not be required to testify unless the court finds that such testimony is required to prevent an injustice to the parties.

AND FURTHER AMEND by deleting the words "the state or defendant" from the second line of subsection (d) and by substituting instead the words "any party" and by deleting the words "the defendant and for the state" from the sixth line of the subsection and inserting the words "the parties".

On motion, the amendment was adopted.

Ms. Williams moved to amend as follows:

AMENDMENT NO. 14

Amend House Bill No. 495 by adding the following new sentence after the fourth sentence of subsection (d) of the first amendatory section of Section 18:

The camera shall be stationary and located in such a position that all parties shall be visible at all times in such recording. The person operating the camera shall not be permitted obtain a close-up picture of any of such parties. The purpose of such recording is to simulate as near as possible the manner in which a jury would view the evidence if the child were to testify in person at the proceeding at which the recording will be introduced.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 15

Amend House Bill No. 495 by adding a new section to be appropriately designated to read as follows:

(1) Child Sex Crime Prosecution Unit. There is hereby created a Sex Crime Prosecution Unit which shall include, but not be limited to child sexual abuse cases, which unit shall include two Assistant District Attorneys, and one Secretary-File Clerk.

It is the intent of the Legislature in the enactment of this chapter to encourage the establishment of Sex Crime Prosecution Units, which shall include, but not limited to, child sexual abuse cases in the District Attorney's Office of the 20th Judicial District as a pilot project; and subsequently in 1986, to establish the necessary number of units throughout the state.

(2) There are hereby created two additional Assistant District Attorneys General for the 20th Judicial District of this state who shall be appointed by the District Attorney General for the 20th Judicial District, shall serve at the pleasure of such official, and shall perform such duties as are assigned to them by said District Attorney General. The Assistant District Attorneys General herein authorized shall be licensed attorneys and residents of said judicial district. The compensation for said Assistant District Attorneys General shall be as provided by law for Assistant District Attorneys General.

(3) There is hereby created an additional Secretary-File Clerk for the Judicial District of this state who shall be appointed by the District Attorney General for the 20th Judicial District, shall serve at the pleasure of such official, and shall perform such duties as are assigned to her by said District Attorney General. The Secretary-File Clerk shall furnish the Speaker of the Senate and the Speaker of the House with quarterly reports containing statistical data required by the Speakers and other information deemed appropriate by the District Attorney General pertaining to reports, investigations and prosecution of the Sex Crimes Prosecution Unit. The compensation for said Secretary-File Clerk shall be as provided by law for Secretary-File Clerk.

(4) The District Attorney General for the 20th Judicial District shall authorize and direct the Assistant District Attorneys of the Child Sex Crime Prosecution Unit of the 20th Judicial District to receive training at seminars conducted by appropriate agencies and associations within the United States, upon approval by the Executive Secretary of the Tennessee District Attorneys General Conference, in the investigation and prosecution of child sexual abuse cases. The Tennessee District Attorneys General conference shall fund such attendance within

existing state guidelines.

(5) There is hereby appropriated the sum of \$65,477.00 for the purpose of funding the Child Sex Crime Prosecution Unit created by this Act.

On motion, the amendment was adopted.

Mr. Rhinehart moved the previous question, which motion prevailed by the following vote:

Ayes	78
Noes	11
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tanner, Treadway, Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Work and Yelton--78.

Representatives voting no were: Cobb, DeBerry, Lawson, Montgomery, Moody, Moore (Sullivan), Murphy, Stafford, Turner, C. (Shelby), Turner, L. (Shelby), Williams--11.

Representatives present and not voting were: Brewer and Kernell--2.

Thereupon, House Bill No. 495, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0
Present and not voting	3

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings,

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Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

Representatives present and not voting were: Lawson, Moody and Stafford--3.

A motion to reconsider was tabled.

Mr. Rhinehart moved that the rules be suspended in order to add Senate Joint Resolution No. 154 to the Consent Calendar for today, which motion prevailed.

Mr. Gill moved that the rules be suspended for consideration of the Consent Calendar, which motion prevailed.

CONSENT CALENDAR

OBJECTION

An objection was filed to the following bills on the Consent Calendar:

Mr. Drew objected to House Bill No. 1120.

Under the rules, House Bill No. 1120 were placed at the foot of the Calendar for Monday, May 20, 1985.

CONSENT CALENDAR

Senate Joint Resolution No. 68--Relative to honoring Herb Kosten.

House Bill No. 154--To continue insurance committee.

On motion, House Bill No. 154 was made to conform with Senate Bill No. 145.

On motion, Senate Bill No. 145, on same subject, was substituted for House Bill No. 154.

House Bill No. 762--To make certain provisions, Chattanooga Hospital Authority.

On motion, House Bill No. 762 was made to conform with Senate Bill No. 276.

On motion, Senate Bill No. 276, on same subject, was substituted for House Bill No. 762.

House Bill No. 1090--To regulate purchasing, Hamilton County.

House Bill No. 1105--To regulate Henry County ambulance service.

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House Bill No. 1106--To provide for ambulance service, Henry County.

House Bill No. 1107--To make certain provisions, Henry County hospital.

House Bill No. 1108--To regulate Henry County nursing home.

House Bill No. 1042--To regulate purchasing, Montgomery County.

House Bill No. 1045--To regulate purchasing, Clarksville.

House Bill No. 1087--To regulate purchasing, Clarksville.

House Bill No. 1111--To amend Charter, Tiptonville.

On motion, House Bill No. 1111 was made to conform with Senate Bill No. 1091.

On motion, Senate Bill No. 1091, on same subject, was substituted for House Bill No. 1111.

House Bill No. 1112--To provide for election, Davidson County Democratic Executive Committee.

On motion, House Bill No. 1112 was made to conform with Senate Bill No. 1090.

On motion, Senate Bill No. 1090, on same subject, was substituted for House Bill No. 1112.

House Bill No. 1113--To amend budget law, Decatur County.

House Bill No. 1114--To amend highway law, Decatur County.

House Bill No. 1116--To authorize certain payment in lieu of taxes, Greeneville.

On motion, House Bill No. 1116 was made to conform with Senate Bill No. 1093.

On motion, Senate Bill No. 1093, on same subject, was substituted for House Bill No. 1116.

House Resolution No. 39--Relative to commending Kelli Jane Barr.

House Resolution No. 41--Relative to honoring Brent Caldwell.

House Resolution No. 42--Relative to honoring Douglas Dockery.

House Resolution No. 43--Relative to honoring Randy Blair.

House Resolution No. 44--Relative to congratulating

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Representative L. H. "Cotton" Ivy on his birthday.

House Joint Resolution No. 337--Relative to commending Ron Scudder.

House Joint Resolution No. 338--Relative to remembering Brent O'Neal Bishop.

House Joint Resolution No. 339--Relative to commending Sherry Leigh Boyer.

House Joint Resolution No. 341--Relative to commending Sylvia L. Ruby.

Senate Joint Resolution No. 154--Relative to commending former Senator Ernest Crouch.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

RULES SUSPENDED

Mr. Gill moved that Rule No. 48 be suspended in order to set Calendars for next week, which motion prevailed.

Mr. Naifeh moved that the remainder of the bills on today's Calendar and the Message Calendar be placed on the Calendar for Tuesday, May 21, which motion prevailed.

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Mr. Naifeh moved that pending the introduction of resolutions and passage of bills on first and second consideration, the House adjourn until 5:00 p.m. on Monday, May 20, 1985, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 343--Relative to creating a special joint committee, minority-owned construction firms--By Love.

The Speaker referred House Joint Resolution No. 343 to the Committee on Calendar and Rules.

House Joint Resolution No. 345--Relative to honoring Shelby County Memphis Democratic Women's Club--By Dixon.

Under the rules, House Joint Resolution No. 345 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 346--Relative to thanking Highland Manor Winery and Vineyard--By Burnett.

Under the rules, House Joint Resolution No. 346 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 347--Relative to commending Daniel A. (Bert) Walker--By Winningham.

Under the rules, House Joint Resolution No. 347 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 349--Relative to commending L. Paul Monks--By Phillips.

Under the rules, House Joint Resolution No. 349 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 351--Relative to congratulating Rachel Myracle--By Davis (Gibson).

Under the rules, House Joint Resolution No. 351 was referred to the Committee on Calendar and Rules.

House Resolution No. 49--Relative to honoring Bill Wenzler, Don Peale and Jaycee Board--By Ridgeway.

Under the rules, House Resolution No. 49 was referred to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 1126--To provide for mortgage revenue bonds, metropolitan governments--By Covington, Murphy, Robinson (Davidson),

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Love, West, Ellis, Cobb, Clark (Davidson), Garrett and Pruitt.

Passed first consideration.

House Bill No. 1127--To regulate purchasing, Hamilton County Hospital Authority--By Robinson (Davidson).

Passed first consideration.

House Bill No. 1128--To amend Title 9, Chapter 6, Part 2, Code --By Scruggs.

Passed first consideration.

House Bill No. 1129--To amend Title 9, Chapter 6, Part 2, Code --By Scruggs.

Passed first consideration.

House Bill No. 1130--To amend Chapter 776, Private Acts, 1947--By Miller and Scruggs.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1122--To amend road law, Dickson County--By Work.

Passed second consideration and held without reference.

House Bill No. 1123--To increase salaries, Mayor and Councilmen, Portland--By Wix.

Passed second consideration and held without reference.

House Bill No. 1124--To amend Section 62-3-110, Code--By Scruggs.

Passed second consideration and referred to Committee on Government Operations.

House Bill No. 1125--To amend city Charter of Germantown.

Passed second consideration and held without reference.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 132 and 417; House Resolutions Nos. 36 and 45; and House Joint Resolutions Nos. 178, 315, 316, 317, 318, 321, 326, 327, 328, 332, 333, 335, 340 and 344; and find same

correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 132 and 417; House Resolutions Nos. 36 and 45; and House Joint Resolutions Nos. 178, 315, 316, 317, 318, 321, 326, 327, 328, 332, 333, 335, 340 and 344.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

708--To permit incarceration of juvenile offenders until twenty-one;

913--To make certain provisions, public records; both substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 233, 258, 350, 366, 514, 606 and 757; also, Senate Joint Resolutions Nos. 11 and 148; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 233, 258, 350, 366, 514, 606 and 757; Senate Joint Resolutions Nos. 11 and 148.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

157--Relative to sorrow, Noble C. Caudill; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate

Bills Nos.:

133--To make certain provisions, guidance counselors, elementary schools;

1064--To provide funding, Tennessee Intercollegiate State Legislature; both passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

59--To provide state assistance, regional development plans;

127--To make certain provisions, auctioneers;

264--To define powers, officers of county highway departments;

504--To clarify law, tax on services and amusements;

724--To provide for expunged criminal records as evidence, certain cases;

1115--To regulate moving, structures, Williamson County; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 288, 289, 290, 291, 292, 297, 298, 300, 301, 302, 303, 304, 305, 306, 308, 309, 310, 311, 312, 313, 322, 324 and 325; also, House Bills Nos. 1047, 1095, 1099, 1103, 1109 and 1110; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 414--Burnett

House Bill No. 495--Drew, Severance

House Bill No. 701--Rhinehart

REPORT OF STANDING COMMITTEES

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 328, 412 (with amendment), 414 (with amendment), 583, 584, 585 (with amendment), 813 (with amendment), 1078; House Joint Resolution No. 334 and Senate Joint Resolution No. 142.

BRAGG, Chairman.

Under the rules, House Bills Nos. 328, 412, 414, 583, 584, 585, 813, 1078; House Joint Resolution No. 334 and Senate Joint Resolution No. 142 were transmitted to the Committee on Calendar and Rules.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday, May 20, 1985: House Bills Nos. 968, 322, 573, 869, 84, 585, 583 and 584.

GILL, Chairman.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1122, 1123 and 1125.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Monday, May 20, 1985: House Bills Nos. 1122, 1123, 1125, House Resolution No. 49, House Joint Resolutions Nos. 345, 346, 347, 349, 351, Senate Joint Resolutions Nos. 132, 146, 147, 153, 155 and 156.

GILL, Chairman.

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ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 51, 289, 390, 495, 665, 766, 886, 1042, 1045, 1087, 1090, 1105, 1106, 1107, 1108, 1113 and 1114; and House Joint Resolutions Nos. 337, 338, 339 and 341; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 1047, 1095, 1099, 1103, 1109 and 1110; House Joint Resolutions Nos. 288, 289, 290, 291, 292, 297, 298, 300, 301, 302, 303, 304, 305, 306, 308, 309, 310, 311, 312, 313, 322, 324 and 325; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

Pursuant to Mr. Naifeh's earlier motion, the House adjourned until 5:00 p.m. Monday, May 20, 1985.